NEW YORK STATE OF OPPORTUNITY. Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

February 15, 2022

Michael D. Moritz
McDermott, Will & Emery, LLP
One Vanderbilt Avenue
New Yok, NY 10017

FOIL #: 21-11-238

Dear Michael Moritz:

This letter responds to your Freedom of Information Law (FOIL) request of November 12, 2021, in which you requested "one complete set, in digital form, of the New York State Death Index, covering all data that is already retained by the New York State Department of Health ('DOH') in textual or database format, for all available dates through December 31, 2017, inclusive (the 'Death Index')."

I have enclosed records responsive to your request for the death index for 1971. Records responsive to your request for the death index for years 1957 through 1970 are publicly accessible on the Health Data NY website at the following link:

https://health.data.ny.gov/Health/Genealogical-Research-Death-Index-Beginning-1957/vafa-pf2s

Please be advised, your request for access to death indexes for the years 1972 through 2017 is denied pursuant to Public Officers Law §87(2)(a), as "specifically exempted from disclosure by state or federal statute" in accordance with Public Health Law §4174(1)(a), which states that death records are not subject to disclosure pursuant to article six of the Public Officers Law, and §35.5(c)(3) of Title 10 of the New York Codes Rules and Regulations, which states that "no information shall be released from a record of death unless the record has been on file for at least 50 years."

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig

Rosemarie Hewig, Esq.
Records Access Officer

RH/jt