

Miles A. Floyd

August 22, 2026

Tioga County Legislature
Attn: Tracy Monell, Legislative Chairperson
56 Main Street
Owego, New York 13827

RE: FORMAL ADMINISTRATIVE APPEAL UNDER THE NEW YORK FREEDOM OF INFORMATION LAW

August 12, 2026 denial by Records Access Officer Kevin A. Humes
Foster Home Certification and Approval Records - [REDACTED]
Original FOIL request dated August 9, 2026

Dear Chairperson Monell and Members of the Tioga County Legislature:

Pursuant to New York Public Officers Law § 89(4)(a), I timely appeal the August 12, 2026 denial of my Freedom of Information Law request concerning records reflecting the certification, approval, renewal, status, and related administrative records of the foster home identified in my request as [REDACTED]. My original request was submitted on August 9, 2026 and sought records for the period January 7, 2021 through August 9, 2026.

In his August 12 email, Records Access Officer Kevin A. Humes stated that Tioga County Social Services could not release the requested information because records “of the type you seek are exempt from disclosure pursuant to Public Officers Law § 87(2)(a), as such records are confidential pursuant to the Social Services Law.” The denial did not identify the specific Social Services Law section relied upon, did not analyze the separate categories of records requested, did not address my express request for reasonably segregable non-exempt portions, and did not provide the appeal information required by 21 NYCRR § 1401.7(b).

I. PUBLIC OFFICERS LAW § 87(2)(A) REQUIRES A SPECIFIC STATUTORY BASIS

Public Officers Law § 87(2)(a) permits an agency to withhold records or portions thereof that are specifically exempted from disclosure by state or federal statute. The August 12 denial cites § 87(2)(a), but it refers only generally to “the Social Services Law.”

To the extent Tioga County relies upon Social Services Law § 372 or another confidentiality statute, I request that the appeal determination identify the precise statutory provision and explain how that provision applies to each category of responsive records withheld. A generic reference to an entire body of law does not tell the requester which statutory confidentiality rule is being applied.

II. SOCIAL SERVICES LAW § 372 PROTECTS CHILD-SPECIFIC FOSTER-CARE RECORDS, BUT THE COUNTY SHOULD IDENTIFY THE SCOPE OF THAT PROTECTION

I recognize that Social Services Law § 372(3) provides that records maintained by the Department or an authorized agency, including a local social services district, regarding foster children are confidential. I am not asking the Legislature to order disclosure of information that a state or federal statute actually prohibits the County from releasing.

However, my request also seeks administrative records reflecting whether the identified foster home was certified or approved, the effective and expiration dates of any certification or approval, renewals, status changes, and other administrative records concerning the home’s authority to serve as a foster family boarding home. New York regulations governing foster family boarding homes contemplate certification or a letter of approval issued by an authorized agency. See 18 NYCRR Part 443.

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If Tioga County contends that every such administrative record is itself a confidential record “regarding” a particular foster child within the meaning of Social Services Law § 372, the final appeal determination should say so expressly, identify the statutory basis, and explain why no non-child-specific record or segregable portion can be disclosed.

III. THE ORIGINAL REQUEST EXPRESSLY SOUGHT REDACTION AND DISCLOSURE OF REASONABLY SEGREGABLE MATERIAL

My August 9 request expressly stated that, if portions of responsive records are exempt, the County should redact the exempt information and disclose all reasonably segregable non-exempt portions. The August 12 denial did not address that request.

New York FOIL exemptions are narrowly construed, and an agency bears the burden of articulating a particularized and specific justification for withholding. See *Matter of Gould v. New York City Police Department*, 89 N.Y.2d 267 (1996); *Matter of Capital Newspapers Div. of Hearst Corp. v. Burns*, 67 N.Y.2d 562 (1986); *Matter of Fink v. Lefkowitz*, 47 N.Y.2d 567 (1979). Where a record contains both exempt and non-exempt information and no separate statute prohibits release of the entire record, FOIL generally requires disclosure of the non-exempt material after appropriate redaction.

Accordingly, I request a record-by-record or category-by-category determination rather than a categorical denial of all requested material.

IV. THE AUGUST 12 DENIAL DID NOT PROVIDE THE APPEAL NOTICE REQUIRED BY 21 NYCRR § 1401.7(B)

Under 21 NYCRR § 1401.7(b), a written denial must state the reason for denial, advise the requester of the right to appeal, and identify the person or body designated to determine appeals by name, title, business address, and business telephone number. The regulation also provides that the records access officer shall not be the appeals officer.

Mr. Humes’s August 12 email did not advise me of the appeal procedure or identify the appeal body and its contact information. I am nevertheless filing this appeal promptly so that there is no dispute concerning exhaustion of the County’s administrative appeal process.

V. RELIEF REQUESTED

1. Reverse the blanket August 12, 2026 denial to the extent it withholds records without identifying the specific statute that requires confidentiality.
2. Direct a record-by-record or category-by-category review of the records responsive to my August 9, 2026 request.
3. Produce every responsive record, or reasonably segregable portion, that is not specifically prohibited from disclosure by a state or federal statute.
4. Where appropriate, redact foster-child names, medical information, criminal-history information, State Central Register information, personal identifiers, and other information actually protected by law rather than withholding an entire otherwise-disclosable record.
5. Produce any certificate, letter of approval, renewal record, effective-date record, expiration record, suspension record, revocation record, status record, or comparable administrative record that can lawfully be disclosed in whole or in redacted form.
6. For every record or category withheld under Public Officers Law § 87(2)(a), identify the exact state or federal statute that specifically exempts the material from disclosure and explain how it applies.
7. If another FOIL exemption is relied upon, identify that exemption separately and provide the factual and legal basis for its application.
8. If the County maintains that no responsive record exists for a requested category, provide the certification contemplated by Public Officers Law § 89(3) regarding the agency’s possession and search for the record.
9. Preserve all records responsive to the August 9, 2026 request while this administrative appeal and any subsequent judicial review are pending.
10. Forward a copy of this appeal and the ensuing determination to the New York State Committee on Open Government as required by Public Officers Law § 89(4)(a).

VI. TEN-BUSINESS-DAY DETERMINATION REQUESTED

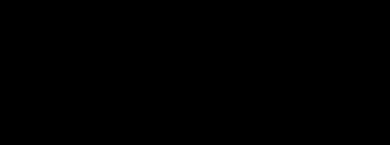
Public Officers Law § 89(4)(a) provides that the person or body determining a FOIL appeal shall, within ten business days of receipt, either provide access to the record sought or fully explain in writing the reasons for further denial. Please therefore treat this letter as my formal administrative appeal and provide the Legislature's written determination within the statutory period.

If the denial is continued in whole or in part, please issue a final written administrative determination identifying every factual and statutory ground relied upon so that the administrative record is complete for any review available under CPLR Article 78.

Please send the appeal determination and any responsive records electronically to [REDACTED]

Respectfully submitted,

Miles A. Floyd



Supporting documents referenced:

- August 12, 2026 email denial from Kevin A. Humes
- August 9, 2026 FOIL request concerning foster-home certification and approval records

-----Original Message-----

From: Humes, Kevin

Sent: Wednesday, August 12, 2026 11:11 AM

To: 'Family Blessed' [REDACTED]

Subject: RE: [EXTERNAL] [EXTERNAL] FOIL Request – Foster Home Certification and Approval Records

Mr. Floyd

The Tioga County Social Service Department has informed you that they can not release the information you requested because the records of the type you seek are exempt from disclosure pursuant to Public Officers Law §87(2)(a), as such records are confidential pursuant to the Social Services Law. The denial of your FOIL request is neither a confirmation or denial of the existence of such records

Kevin A. Humes

Tioga County Treasurer's Office

Paralegal

56 Main Street

Owego, New York 13827

Direct Line: (607) 687-8677

-----Original Message-----

From: Family Blessed <[REDACTED]>

Sent: Sunday, August 9, 2026 6:43 PM

To: FOIL <foil@tiogacountyny.gov>

Cc: tioga.fostercare@dfa.state.ny.us

Subject: [EXTERNAL] [EXTERNAL] FOIL Request – Foster Home Certification and Approval Records

Dear Mr. Humes,

Please accept the attached Freedom of Information Law request concerning records maintained by Tioga County, including the Department of Social Services Foster Care, Adoption & Home Finding Unit.

The request seeks records concerning the certification, approval, renewal, status, and related foster-home records for [REDACTED] for the period beginning January 7, 2021 through August 9, 2026, as further described in the attached request.

Please provide all records that are subject to disclosure under New York Public Officers Law Article 6. If portions of responsive records are exempt, I request that the exempt information be redacted and that all reasonably segregable non-exempt portions be disclosed.

For any record or portion withheld, please identify the specific statutory exemption relied upon. If responsive records cannot be located, please provide the appropriate certification concerning the agency's search for those records.

Electronic copies by email are preferred whenever available.

Please confirm receipt of this request and advise me of the expected response date.

Thank you for your attention to this matter.

Respectfully,

Miles A. Floyd

[REDACTED]