



## **Overview**

### **Q: What is Project Sunlight?**

A: Project Sunlight, an important component of the Public Integrity Reform Act of 2011, is an online database that provides the public with an unprecedented opportunity to see what entities and individuals are influencing state government decision-makers. For the text of the law, see Chapter 399 Part A §4 of the Laws of 2011.

### **Q: Why is Project Sunlight important?**

A: Project Sunlight provides the public with a view of state government processes and day-to-day interactions. It is the only site of its kind in the nation, and helps make New York State government one of the most open and transparent.

## **The Database**

### **Q: What is reported into the Project Sunlight database?**

A: State entities report into the database appearances regarding one of the five subject areas listed below:

- Procurement of a state contract for real property, goods, or services
- Ratemaking
- Regulatory matters
- Judicial or quasi-judicial proceedings conducted by an agency
- Adoption or repeal of a rule or regulation

Chapter 399 Part A §4 of the Laws of 2011 provides that the Office of General Services (OGS), in consultation with state entities, shall determine a schedule and format of collecting information on representative appearances related in the categories above. Accordingly, a Project Sunlight Policy was developed in consultation with state entities to define what must be reported into the database and how it is to be reported.

### **Q: What is an appearance?**

A: An appearance is a substantive interaction that is meant to have an impact on the decision-making process of a state entity. Only in-person meetings and video conferences are considered appearances. For more information on what an appearance entails, please see the Project Sunlight Policy.

### **Q: So what about phone calls, emails, letters, and faxes?**

A: Phone calls, emails, letters, and faxes are not considered appearances and are not reported in Project Sunlight.

### **Q: Which government employees need to report appearances?**



A: Only government employees who have the power to exercise agency discretion or advise someone who has such discretion need to report appearances to Project Sunlight. Agencies will maintain a list of those employees that are required to report appearances.

**Q: Are intergovernmental meetings considered appearances?**

A: No. Meetings between government entities and employees, including other state, local, or federal entities and persons, including elected officials, will not be reported, nor will meetings between state entities and their retained contractors or counsel.

**Impact**

**Q: Does this mean that any time a member of the public contacts a state agency, that contact will be reported into a database?**

A: No. Appearances that are confidential by law do not need to be reported in Project Sunlight. In addition, appearances that are ministerial or informational in nature do not need to be reported. Furthermore, the reporting of phone calls is optional. A phone call requesting information about a specific policy is an example of an informational appearance; the filing of a routine application is an example of a ministerial appearance. Neither would need to be reported.

**Q: I am friends with a covered government employee. Does this mean every time I talk to her, she is putting our interactions in a database?**

A: No. Only appearances, as defined in the Project Sunlight Policy, that are intended to influence government action in one of the five specified categories need to be reported.

**Q: I work in sales and frequently do work with State entities. Does this mean I can no longer contact the State regarding my products?**

A: No. Project Sunlight does not limit government interaction in any way, but only requires that State entities report the meetings they have. You may continue to contact the State regarding your products so long as you follow all other relevant laws, rules, and regulations.

**Q: I am a member of the public and my name appears in the database in regards to a meeting. Will my personal information be kept confidential?**

A: Project Sunlight does not release the home addresses of any individual, and only lists the city, state, and zip code of any business addresses.

**Logistics**

**Q: How do I search for a meeting?**

A: Please refer to the Project Sunlight Database User Guide available on the website.



**Q: What if I want more information about a meeting?**

A: Please visit the government entity’s website and follow the directions for a Freedom of Information Law (FOIL) request.

**Q: I’m a vendor and I want to know if an upcoming meeting will be reported. Whom do I ask?**

A: Contact the government entity with which you will be meeting to discuss whether an appearance will be reported in Project Sunlight. You may also email [Contact@ProjectSunlight.ny.gov](mailto:Contact@ProjectSunlight.ny.gov) for general information about reporting requirements.

**Q: I am interested in having someone speak to my organization about Project Sunlight. Whom do I contact?**

A: Please email [Contact@ProjectSunlight.ny.gov](mailto:Contact@ProjectSunlight.ny.gov) with your request.

**What’s Not in the Database**

**Q: What is not reported in Project Sunlight?**

A: Pursuant to Chapter 399 Part A §4 of the Laws of 2011, OGS must consult with state entities covered by the law to determine the manner and content of what appearances related to the five categories listed in the law—procurement of a state contract for real property, goods and services, rate-making, regulatory matters, agency-based judicial or quasi-judicial proceedings, and the adoption or repeal of a rule or regulation—must be reported into the database.

To facilitate reporting, a Project Sunlight Policy was developed to clarify what is not reported in the database. In general, the following will not be reported into Project Sunlight:

- Ministerial appearances or appearances requesting information, as they are not “representative” appearances.
- Telephone conversations.
- Written communications such as letters, faxes, emails, or the filing of paper applications.
- Appearances regarding legislation or the budget.
- Appearances related to individuals or matters that are treated by a state entity as confidential pursuant to federal or state statute, rule or regulation.
- Appearances that if disclosed could endanger the life or safety of any person.
- Participation in meetings which are open to the public, such as conferences or meetings subject to the Open Meetings Law or where a record of the meeting is otherwise publicly available.
- Any intergovernmental interactions, such as appearances by other state and local entities, as well as tribal governments and federal government representatives, and appearances by elected or appointed officials, executive or legislative employees, or judges or employees of the judiciary.



**The following is a non-exhaustive, subject-to-change list of appearances that will not be reported into Project Sunlight pursuant to Chapter 399 Part A §4 of the Laws of 2011 and the Project Sunlight Policy:**

#### **Adirondack Park Authority**

- Meetings between applicants and policy makers in the Regulatory Programs Division in the routine development of permit applications, project review and draft permits.

#### **Office for the Aging (NYSOFA)**

- Appearances related to the Ombudsman Program: NYSOFA operates the Ombudsman Program, which is bound by confidentiality requirements as set forth in section 712(d)(2) of the Older Americans Act and section 218(7)(c) of the New York State Elder Law in order to protect the identity and identifying information of a complainant. If the complainant seeks to contact NYSOFA regarding adopting or repealing a regulation promulgated by NYSOFA or the Administration on Aging, state and federal law confidentiality requirements will be adhered to.
- Any communication by an older person that is confidential under federal law or regulation.
- Interactions with nonprofit agencies in their role as an “area agency” on aging are not reported in Project Sunlight. The New York State Office for the Aging has a network of 59 area agencies on aging. Fifty-three area agencies on aging are local government agencies, two are units of tribal governments and four are nonprofit entities. Because appearances made by local governmental agencies and tribal governments are not covered by Project Sunlight, and these “area agencies” are functioning in the same capacity as their counterparts in local government, all appearances by the nonprofit agencies in their role as an area agency on aging are exempted from the reporting requirements of Project Sunlight

#### **Agriculture and Markets**

- Interactions with the following inspectors because they are routinely performed and inspectors have no authority to exercise agency discretion:
  - Food safety inspectors
  - Farm products inspectors
  - Horticultural, plant and nursery inspectors
  - Dairy products inspectors
  - State field veterinarians and animal health inspectors.
- Receipt/investigation of complaints of unfair or fraudulent practices by licensed farm product dealers.



- Interactions with informants or tipsters that would otherwise reveal their identities.

#### **Office of Children and Family Services (OCFS)**

- Routine filing of applications for:
  - Day care programs (day care centers, school-age child care programs, group family day care homes and family day care homes)
  - Residential facilities for children (institutions, group homes and agency boarding homes)
  - Foster boarding home programs
  - Adoption agencies
  - Supervised independent living programs
  - Residential programs for victims of domestic violence
  - Detention facilities
  - Runaway and homeless youth programs
  - Family type homes for adults.
- Inspections of programs and facilities for purposes such as regular inspections, investigating complaints about regulatory non-compliance, or investigating alleged abuse and neglect (which are by law confidential).
- Contacts made with OCFS staff that involve confidential matters, such as client-specific cases involving child abuse and maltreatment, foster care, preventive services, adoptions, child care subsidies, juvenile justice, domestic violence, runaway and homeless youth, adult protective services and the services provided by the Commission for the Blind and Visually Handicapped.

#### **Department of Civil Service**

- Appeals before the Civil Service Commission: appeals are treated by the agency as confidential, and relate to disqualifications and revocations of appointment, disability leaves, classification and compensation issues, and eligibility for certain employment programs. Note: most Commission decisions are posted on the Department's public website.
- Enrollee/dependent contacts regarding insurance coverage and benefits which are exempt from disclosure by the Health Insurance Portability and Accountability Act ("HIPAA") and Personal Privacy Protection Law ("PPPL").
- Candidate/ employee contacts regarding medical examinations, immunizations, nursing station visits and occupational safety/health which cannot be disclosed under HIPAA and PPPL.
- Candidate contacts regarding examination applications which are exempt from disclosure under FOIL section 89(7) protecting identities of candidates for public employment and 4 NYCRR 71.3 protecting the identity of failing candidates (eligible lists are already public records).
- 55-b/c Program inquiries which are protected under PPPL, ADA and other provisions protecting the release of medical information.
- Employee inquiries regarding particular classification matters. Note: final classification records are public.



### **State Commission of Correction**

- Complaints regarding conditions and operations of correctional facilities.
- Appearances by or on behalf of an individual inmate.

### **Division of Criminal Justice Services**

- Appearances made in connection with revocation hearings conducted by the Security Guard Advisory Council. These hearings are held by the Council to formulate recommendations to the Commissioner regarding revocation of approval for security guard training courses, security guard training schools, and security guard instructor certifications. The hearings are required pursuant to 9 NYCRR §§ 6027.9, 6028.5, and 6029.7, respectively. The regulations provide that the hearings be held at regularly scheduled meetings of the Council, which are already subject to the Open Meetings Law.

### **Dormitory Authority of the State of NY (DASNY)**

- Routine issuance of building permits and certificates of occupancy following approval of DASNY construction projects.

### **NYS Energy Research and Development Authority (NYSERDA)**

- Appearances in connection with NYSERDA's "grant" programs, otherwise referred to as "open enrollment" programs. These funds are provided to qualifying individuals on a first-come, first-served basis until the funds are exhausted or the applicable time period expires. Accordingly, NYSERDA does not exercise discretion vis-à-vis awarding individual recipients with grants.

### **State Education Department**

- Appearances before members of the Board of Regents.
- School district meetings, including appearances that occur during school visits by department officials
- Routine informational requests on licensing information and teacher certifications
- Appearances related to rates for special education programs which are set and established by the Division of Budget

### **State Board of Elections**

- Communications to non-governmental persons regarding ballot access issues. The State Board is not a party to ballot access disputes (validity of petition, certificates of nomination, etc.) and



oral communications with regard to such issues would not be subject to Project Sunlight reporting requirements because the State Board serves as a neutral arbiter of the dispute.

- Contacts with regards to campaign finance and enforcement. The State Board answers inquiries from the public and filers of campaign financial disclosure reports about the requirements of the Election Law. These inquiries concern ministerial matters about the requirements of the law and related rules and regulations, and the State Board’s interpretation and application of same.

### **Empire State Development (ESD)**

- Appearances that pertain to non-discretionary tax credit programs, such as the film tax credit program, commercial tax credit program, and post production film credit.
- Appearances related to the negotiation of economic development projects regarding the attraction, expansion or retention of business in New York State which intend to utilize discretionary incentives, such as the Excelsior tax credit, that, if disclosed, would jeopardize the economic development project from being undertaken in New York and/or would damage New York’s ability to attract the project given competition from other states and/or countries, until ESD Board approval or the release of public reports pertaining to the program.

### **Department of Financial Services**

- Appearances related to name approvals.
- Rate & form filings made with the Insurance Division, which once approved are posted to its website.
- Certain license or registration applications and renewals in the Banking and Insurance Divisions: mortgage loan originator licenses; branch and address change applications; service contract filings, and insurance producer licensing applications.
- Service of Process.

### **Office of General Services (OGS)**

- Appearances related to “lands under water” rights. OGS administers the lands under water rights of the State, which includes granting easements for utility companies under waterways, public beach access, and marina licensing. There is minimal agency discretion related to these appearances, and interactions are rare.

### **Department of Health (DOH)**

- Medicaid fair hearing appearances which are protected by confidentiality provisions in law and regulation.
- Patient abuse hearing appearances which are protected by confidentiality provisions in law and regulation.



- Office of Professional Medical Conduct hearing appearances which are protected by confidentiality provisions in law and regulation.
- Nursing home discharge hearing appearances where DOH is not a party.
- Early Intervention hearing appearances where DOH is not a party.
- Women, Infants, and Children hearing appearances where DOH is not a party.
- Bureau of Narcotics Enforcement matters protected under Public Health Law § 3371.

#### **NYS Higher Education Services Corporation (HESC)**

- Appearances related to financial aid programs governed by state or federal regulations administered by HESC, including the Tuition Assistance Program (TAP); the New York Higher Education Loan Program (NYHELPS); the Federal Family Education Loan Program (FFELP); and the federal College Access Challenge Grant (CACG). All are governed by confidentiality rules or regulations.
- Administrative wage garnishment hearings for defaulted student loan borrowers.

#### **Division of Human Rights (DHR)**

- Complaints filed by individuals and subsequent investigation and processing to final determination. These complaints are governed by confidentiality provisions, and DHR serves solely as a neutral arbiter.
- DHR-initiated proceedings, investigations and complaints. Pre-complaint investigations, complaints and subsequent investigations by a regional office leading to a determination as to whether probable cause exists, are confidential. If probable cause is found, then the matter proceeds to public hearing and the related appearances will be reported.

#### **New York State Insurance Fund (NYSIF)**

- Interactions between NYSIF staff and policyholders, or their representatives, for the purpose of pricing workers compensation and disability policies, including eligibility or application of discounts and dividends, are not reported as the rates are established by the New York Compensation Insurance Rating Board.

#### **Department of Labor (DOL)**

- Special Investigations: Individuals or representatives of workers who contact DOL to request a joint enforcement task force surprise enforcement action.
- Requests relating to U-Visas or trafficking due to the sensitive/confidential information that could compromise the safety of an individual.
- Any appearance that if disclosed could subject an individual to a risk of retaliation or adverse employment action.





### **State Liquor Authority (SLA)**

- All SLA Board meetings, which are announced in advance on the SLA website, are open to the public, webcast, and archived.
- Appearances between an applicant or its representative of record,\* and an agency employee, other than a Commissioner of the SLA, regarding a pending application.
- Appearances between any person other than an applicant or its representative of record,\* and an agency employee, other than a Commissioner of SLA, general counsel, special counsel or member of the Licensing Board, with respect to a pending application.
- Appearances between a licensee, or its representative of record,\* and any agency employee, other than a Commissioner of SLA, with respect to a disciplinary matter.
- Appearances between any person other than the licensee or its representative of record,\* and an agency employee, other than a Commissioner of SLA, general counsel, special counsel, or the secretary to the SLA, with respect to a disciplinary matter, or a stay of any penalty imposed by the SLA.
- Appearances at any meeting conducted by the SLA to discuss general licensing, disciplinary, compliance, regulatory or trade practice issues, provided that the meeting is open to the public and notice of the meeting is announced on the agency's public website.
- Appearances at "500 Foot Hearings," which are open to the public and announced on the agency's website, to determine if issuing a full on premises liquor license, where three or more licensees have been issued to premises within 500 feet of the proposed location, would be in the public interest.

[\* Representative of Record = The SLA provides an online searchable PDF document that lists the names of all principals, representatives and attorneys who are appearing, or have appeared, on behalf of applicants or licensees with respect to specific applications or other individual matters before the agency, on or after January 1, 2013. The PDF is updated weekly and can be found on the SLA's public web site at [www.sla.ny.gov](http://www.sla.ny.gov).]

### **Metropolitan Transit Authority**

- Summonses to members of the public issued by MTA staff, including the MTA and TBTA police, for alleged violation of rules and regulation relating to their use of the transportation system.

### **Department of Motor Vehicles (DMV)**

- Routine transactions such as original and renewal license and registration transactions.



- Appearances in traffic violation and safety hearings, including appeals before the Administrative Appeals Board. All traffic violation and safety hearings are digitally recorded and maintained and preserved by the Department pursuant to VTL §201-(1)(j) for 2 years in the case of safety hearings and for 90 days in the case of Traffic Violations Bureau hearings.
- Telephone calls to DMV call center representatives.
- Any appearance the reporting of which would violate the Driver's Privacy Protection Act.

#### **New York Power Authority ("NYPA")**

- Real Property transactions (land, easements, leases, permits to use real property) initiated by NYPA to a targeted source and for a specific purpose, such as purchasing land or obtaining an easement to enable NYPA's access to its transmission assets.

#### **Department of Public Service (DPS)**

- Calls from customers seeking information about billing, net metering programs, rules, tariffs, rate and credits
- Conversations with energy services companies or submeterers to explain the regulatory approval process and other regulatory requirements
- Conversations with utility company staff to discuss utility reports and obtain information necessary to monitor utility programs
- Routine calls from petitioners on how to file documents and the status of filings
- Calls to the DPS Call Center
- Regulatory inspections for information-gathering purposes.

#### **State University of New York (SUNY)**

- Appearances related to proposed, emergency or final rulemaking relating to the formula for state financial operating assistance to community colleges which involves completing a ministerial calculation of aid per estimated full time equivalent student.
- Employee and student disciplinary hearings.
- Appearances by vendors before health care practitioners across the SUNY system.
- Appearances by students regarding changes in tuition, fees, and charged.
- Interactions at widely-attended vendor conferences.

#### **Department of Taxation and Finance**



- Appearances regarding specific taxpayers (audits, collection actions, Bureau of Conciliation and Mediation Services cases, and the hearings before the Division of Tax Appeals) pursuant to tax secrecy laws.
- Routine license and registration processing, such as a sales tax Certificate of Authority.
- Advisory opinion preparation (any phone calls or meetings on these are taxpayer specific).
- Phone calls handled by the Department staff, such as the Taxpayer Contact Center or the Taxpayer Guidance Division, requesting an explanation of established Department policy or a Tax Law interpretation.

#### **Division of Tax Appeals/Tax Appeals Tribunal:**

- Appearances regarding specific taxpayers with an existing, or anticipated future, petition(s) before the Division of Tax Appeals/Tax Appeals Tribunal; such includes, but is not limited to, appearances for pre-hearing conferences and such information as is protected pursuant to tax secrecy laws.

#### **New York State Thruway Authority/Canal Corp.**

- Tolls, E-ZPass tolls and violations – Appearances regarding toll-related matters including the imposition of tolls, E-Z Pass violations, and discount plans, which are routine and/or ministerial matters.
- Toll Adjustment – Toll adjustment contacts and communication from the general public expressing support/opposition to a proposed toll adjustment, which are already reported under SAPA.
- Thruway and Canal Real Property – Thruway and canal real property are disposed of through a public process.
- Permits – The Thruway Authority and Canal Corporation routinely issue a variety of permits including: use and occupancy permits (i.e. for docks, utilities, land, etc.), advertising permits, work permits and vehicle/vessel permits (i.e. commercial vehicle and vessel permits, recreational vessel permits, etc.), which are routine and/or ministerial.

#### **Department of Transportation**

- Applications for special hauling and divisible load permits and applications for authority by motor carriers as defined in Transportation Law § 2(17).
- Notices of Violation and Suspension issued regarding violations of special hauling, divisible load, oversize/overweight permits and safety violations by common carriers as defined by § 2(17) of the Transportation Law.
- Grade Crossing Elimination Hearings pursuant to Article 10 of the Transportation Law, which are public hearings.

#### **Division of Veterans' Affairs**



- Appearances by veterans or related individuals requesting copies of discharge papers or other records, or seeking to obtain benefits such as the Blind Annuity Program benefit, the Gold Star Parent Annuity, or a Supplemental Burial Allowance.
- Interactions with individual veterans who are seeking representation before the federal Department of Veterans Affairs, as those communications are governed by federal confidentiality rules.

#### **Office of Victim Services (OVS)**

- Communications between OVS and victims and/or their representatives related to compensations claims. All claims for victim compensation are held under strict confidentiality, pursuant to Executive Law §633 and are therefore exempt from reporting under the provisions of Project Sunlight.

#### **Workers' Compensation Board (WCB)**

- Appearances by attorneys and licensed representatives on behalf of claimants or carriers pursuant to WCL § 20 and in any other related proceedings where the Board is a neutral arbiter of disputes regarding claims for, or issues surrounding, workers' compensation benefits, disability benefits, or paid family leave (including external arbitration for PFL).
- Appearances by attorneys, doctors and other treating providers in connection with the payment of medical bills, authorizations of physicians, arbitration, practice committees and medical appeals pursuant to Article 2 of the Workers' Compensation Law. As these arise in the context of claims files, and contain claimant health information, they are confidential.
- Appearances in connection with or which trigger WCL § 110-a, the Board's confidentiality provision.
- Appearances in connection with the Board's licensing authority pursuant to WCL §§ 24-a, 50(3-b) & 50(3-d). The licensing process is ministerial in nature.
- Appearances in connection with investigations and enforcement actions against employers for failure to have coverage for periods of time.