



**State of New York
Department of State
Committee on Open Government**

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E-MAIL

TO:

FROM: Robert J. Freeman, Executive Director

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the facts presented in your correspondence.

Dear

With respect to scanning records in order to transmit them via email, it is our view that if the agency has the ability to do so and when doing so will not involve any effort additional to an alternative method of responding, it would be required to scan the records. For example, when copy machines are equipped with scanning technology that can create electronic copies of records as easily as paper copies, and the agency would not be required to perform any additional task in order to create an electronic record as opposed to a paper copy, we believe that the agency is required to do so. Further, it appears in that instance that transferring a paper record into electronic format would diminish the amount of work imposed upon the agency in consideration of the absence of any need to collect and account for money owed or paid for preparing paper copies, and the availability of the record in electronic format for future use.

In sum, it is our opinion that if the agency has the technology to scan a record without an effort additional to responding to a request in a different manner, and a request is made to supply the record via email, the agency must do so to comply with the Freedom of Information Law.

RJF:tt