



# FIRE DEPARTMENT

9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

## BUREAU OF LEGAL AFFAIRS

Updated: 11/21/2023

### VIA OPEN RECORDS

FDNY Customer

### RE: FOIL Request

Fire Incident Report (NOT Fire Marshal Investigation Report)

Dear FDNY Customer:

This letter is in final response to your Freedom of Information Law (FOIL) request for a New York City Fire Department (FDNY) incident report.

A diligent search for records has been conducted. A record responsive to your request has been located and uploaded to the OpenRecords portal. Please be advised that portions of incident reports are de-identified or withheld in accordance with the following provisions of the Public Officers Law (POL). Please be further advised that not all of the redaction categories below may apply to your specific record.

POL §87(2)(a) allows an agency to deny access to records or portions thereof that are specifically exempted from disclosure by state or federal statute. Accordingly, medical information, details of injuries, references to treatment, as well as descriptions of victims are withheld in compliance with the federal Health Insurance Portability and Accountability Act (HIPAA). Additionally, any 911 caller information, if present, is redacted pursuant to §308(4) of the County Law of the State of New York which provides that calls made to a municipality's 911 system shall not be made available to or obtained by any entity or person, other than that municipality's public safety agency or persons providing medical, ambulance or other emergency services.

POL §87(2)(b) allows an agency to deny access to records which, if disclosed would constitute an unwarranted invasion of personal privacy under POL § 89(2). Accordingly, as described above, personally identifiable information, all medical/health information, and any 911 call details are redacted. Motor vehicle incidents have license plate numbers and other information withheld to protect the identity of individuals and victims involved. Limited data sets (i.e., small numbers of victims) are also suppressed.

POL §87(2)(g) allows an agency to deny access to records which are inter-agency or intra-agency materials which are not: (i) statistical or factual tabulations or data, (2) instructions to staff that affect the public, (iii) final agency or policy determinations; or (iv) external

audits. Thus, medical codes, tax registry numbers, and internal agency-specific information are redacted.

If you wish to receive unredacted records, please submit proof of identity, an authorization of release, proof of phone number for 911 calls, proof of vehicle ownership/registration, or other supporting documentation to [foilrequests@fdny.nyc.gov](mailto:foilrequests@fdny.nyc.gov) and reference your FOIL number (ex. FOIL-2023-057-01234) in the subject line. At that time, your request will be reopened for review.

This concludes the FOIL Unit's response, and your request will be marked as "closed" in the Open Records portal. Any person denied access to a record may appeal the decision in writing within thirty days. Please state a specific ground for appeal and include copies of the initial request and denial.

Appeals should be sent to:

FOIL Appeals Unit  
NYC Fire Department  
9 MetroTech Center, 4<sup>th</sup> Floor  
Brooklyn, NY 11201-3857  
Tel. (718) 999-2040  
Fax (718) 999-2235  
[FDNYFOIL.Appeals@fdny.nyc.gov](mailto:FDNYFOIL.Appeals@fdny.nyc.gov)

Sincerely,

*Alva Wright*

Alva Wright, Esq.  
Records Access Officer  
[foilrequests@fdny.nyc.gov](mailto:foilrequests@fdny.nyc.gov)