

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Newsday LLC v. New York State Educ. Dept.

2025 NY Slip Op 06775 · No. CV-24-1945 · Decided December 4, 2025

SUMMARY

The Appellate Division, Third Department held that answers to moral-character questions in physicians’ biennial license-registration renewal applications were confidential under Education Law § 6510(8) and therefore exempt from disclosure under FOIL. The court reversed the portion of the lower court’s judgment that granted the petition and dismissed the proceeding in its entirety. Because Newsday did not substantially prevail, the court upheld the denial of counsel fees and litigation costs.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Clark, J.; Aarons, J.; Lynch, J.; Powers, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	December 4, 2025
DOCKET	CV-24-1945
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Cross-appeals from a judgment of Supreme Court, Albany County, in a CPLR article 78 proceeding challenging the New York State Education Department's partial denial of a Freedom of Information Law request.
STANDARD OF REVIEW	De novo review of the statutory interpretation and FOIL exemption issues; the agency bears the burden of showing that requested material falls squarely within a narrowly construed exemption.
PRECEDENTIAL VALUE	Published
PARTIES	New York State Education Department, Newsday LLC v. Newsday LLC, New York State Education Department

TOPICS

- judicial review of agency action
- administrative law
- statutory interpretation
- medical licensing
- appellate procedure

PRACTICE AREAS

administrative law

freedom of information

health law

medical licensing

appellate procedure

QUESTIONS PRESENTED

1. Whether the answers to physicians' moral-character questions on biennial license-registration renewal applications are specifically exempt from FOIL disclosure under Education Law § 6510 (8), as incorporated through Public Officers Law § 87 (2) (a).
2. Whether Newsday was entitled to counsel fees and litigation costs under Public Officers Law § 89 (4) (c) (ii).

HOLDINGS

1. The Education Department satisfied its burden of demonstrating that the answers to the moral-character questions were specifically exempted from disclosure by Education Law § 6510 (8), and therefore the records could be withheld under Public Officers Law § 87 (2) (a).
2. Newsday was not entitled to counsel fees or litigation costs because, in light of the court's conclusion that the requested information was exempt from disclosure, Newsday did not substantially prevail.

KEY QUOTATIONS

*“Under FOIL, all records are presumptively available for public inspection and copying, unless the agency satisfies its burden of demonstrating that the material requested falls squarely within the ambit of one of the statutory exemptions, which must be narrowly interpreted” (*1)*

*“In view of the plain language of Education Law § 6510 (8), we find that respondent satisfied its burden to demonstrate that the withheld material is specifically exempted from disclosure by statute and thus may be withheld pursuant to Public Officers Law § 87 (2) (a).” (*3)*

FACTUAL BACKGROUND

Newsday submitted a FOIL request for physicians' license-registration renewal applications filed with the Office of the Professions during specified years. The applications required licensees to answer questions about professional discipline, pending misconduct or criminal charges, criminal convictions, and restrictions on hospital privileges. The Education Department produced the applications but redacted the answers to the moral-character questions, asserting that disclosure would constitute an unwarranted invasion of personal privacy and that the information was confidential under Education Law § 6510 (8).

PROCEDURAL HISTORY

Newsday requested physicians' license-registration renewal applications from the New York State Education Department. The Department produced the records but redacted answers to moral-character questions, relying on the FOIL personal-privacy exemption; the administrative appeal and reconsideration request were unsuccessful. Supreme Court granted the petition and annulled the determination, rejected the Department's statutory-confidentiality argument, but denied Newsday counsel fees and litigation costs. The Appellate Division held that

Education Law § 6510 (8) specifically exempted the information from disclosure, dismissed the petition in its entirety, and affirmed the judgment as modified.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

No substantive remand instructions were provided. The judgment was modified by reversing the portion that partially granted the petition, dismissing the petition in its entirety, and otherwise affirming.

CASES CITED

- Matter of New York Civ. Liberties Union v City of Rochester, 43 NY3d 543, 548 [2025]
- Matter of Johnson Newspaper Corp. v Melino, 77 NY2d 1, 10-11 [1990]
- Matter of Hutchinson v Annucci, 189 AD3d 1850, 1855 [3d Dept 2020]
- Matter of Rose v Albany County Dist. Attorney's Off., 111 AD3d 1123, 1124-1125 [3d Dept 2013]

INSTRUCTIONS FOR AN AI ASSISTANT

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