

30 Besch Avenue #2  
Albany, NY 12203  
2 October 2007

Jill Daniels  
Acting Director of Public Affairs  
New York State Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

Re: Freedom of Information Law Request

Dear Ms. Daniels:

Under the provisions of the New York Freedom of Information Law (FOIL), Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to all petitions requesting a judicial order authorizing the administration of electroconvulsive therapy (ECT) over a patient's objection or without her/his consent brought by the New York State Office of Mental Health (OMH) and/or its facilities from January 1, 2000 to the present. I am specifically **not** seeking information which is exempt from FOIL because of privacy requirements related to MHL 33.13 or the Health Insurance Portability and Accountability Act (HIPAA); therefore, I am asking for redacted documents where necessary to address these concerns.

I further request copies of any written statements, policies, guidance, memoranda and/or electronic communications pertaining to OMH's policies or procedures for handling matters pertaining to petitions for electroconvulsive therapy (ECT) over objection or without consent, dated from January 1, 2000 to the present.

If my request appears to be extensive or fails to reasonably describe the records, please contact me in writing, or by email at [darby@capital.net](mailto:darby@capital.net), or by phone at (518) 465-8548. If there are any fees for copying the records requested, please supply the records without informing me of the cost if the fees are not in excess of \$50.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

Darby Penney