

**Manhattan Inst. for Policy Research, Inc. v New York
City Dept. of Social Servs.**

2026 NY Slip Op 30050(U)

January 8, 2026

Supreme Court, New York County

Docket Number: Index No. 151959/2025

Judge: Alexander M. Tisch

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ALEXANDER M. TISCH PART 18

Justice

-----X

INDEX NO. 151959/2025

MANHATTAN INSTITUTE FOR POLICY RESEARCH, INC.

MOTION DATE 02/12/2025

Petitioner,

MOTION SEQ. NO. 001

- v -

NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES,

**DECISION + ORDER ON
MOTION**

Respondent.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 20, 30, 31, 32, 33, 34, 35

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

In this proceeding, petitioner Manhattan Institute for Policy Research, Inc., asks the Court to order respondent the New York City Department of Social Services to produce data relating to shelters that have hosted migrants and asylum seekers since 2020. Specifically, petitioner sought (1) the addresses of all shelters operated by the Department of Homeless Services (“DHS”) from 2020 through 2024; (2) “filtered data sets,” similar to the “Data Dashboards” that DHS creates for system-wide demographic data, that provide monthly demographic data for each shelter; and (3) the “raw data sets” that respondent uses when it compiles the Dashboards.

Respondent New York City Department of Social Services contends it responded to the FOIL request, it correctly withheld certain information, such as the addresses of DHS shelters, and it was not required to either generate new records for the petitioner or expend unreasonable effort to retrieve or extract the data from its electronic systems.

I. Shelter Addresses

Petitioner concedes the First Department of the Appellate Division has resolved the issue of the shelter addresses in favor of the respondent (*see Matter of NYP Holdings v New York City Department of Social Services*, 237 AD3d 439 [1st Dept 2025] [Department of Social Services correctly withheld the addresses of shelters from its response to a FOIL request]). Petitioner argues that decision was incorrect, but this Court will follow the First Department precedent. This portion of the request is therefore denied.

II. Filtered Data Sets

In the FOIL request, petitioner requested data sets, categorized by shelter location, for each shelter which has hosted migrant populations or asylum seekers. Petitioners requested each table of data to include a variety of different specific variables, making each dataset include 48 rows and 66 columns.

The question presented is whether creating the new spreadsheets sought by petitioner is “[a] simple manipulation of the computer necessary to transfer existing records” which should be provided or the creation of new documents, which respondents are not required to do (*Data Tree, LLC v Romaine*, 9 NY3d 454, 464-65 [2007]). According to respondent, pursuant to the affidavit of Karl Snyder, Deputy Commissioner for Performance Management & Data Analytics in the New York City Department of Social Services Office of Performance Management and Data Analytics (OPMDA), fulfilling petitioner’s requests for filtered datasets would require much more than exporting data to a new spreadsheet, it would require creating a new software

program to gather the information in the manner petitioner requests (attached as Exhibit A to Verified Answer, NYSCEF Doc. 22).

Public Officers Law § 89 provides that:

“When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so. . . . Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record.”

Petitioner contends this rule requires respondent to do the programming to provide the information petitioner seeks. However, this section of the statute refers to both “records” and “data.” Petitioner is seeking “data” from the respondent, not a specific existing document. The above language requires respondent to do programming required to retrieve a record and provide it in a format which can be read by the requestor, similar to taking a file in a proprietary format and exporting it into a .jpg file. Petitioner is asking respondent to extract data, which must be done if it can be done “with reasonable effort.” It is not clear from the papers provided what degree of effort and resources is required to provide the data petitioner seeks. Accordingly, “[a] hearing is necessary to determine precisely what would be entailed were the City to attempt to retrieve the requested” data and provide a spreadsheet (*New York Comm. for Occupational Safety and Health v Bloomberg*, 72 AD3d 153, 162 [1st Dept 2010]).

III. Raw Data Sets

Petitioner has also requested “any and all records, including but not limited to, all materials used to compile each report, including, but not limited to, all associated datasets. The DHS Dashboard Tables and Dashboard Charts requested pertain to Fiscal Years 2020, 2021,

2022, 2023, and the Fiscal Year to Date (FYTD) 2024, which can be found in <https://home.nyc.gov/site/dhs/about/stats-and-reports.page>.” Similarly, “[a] hearing is necessary to determine precisely what would be entailed were the City to attempt to retrieve the requested” data and whether the effort required would be reasonable (*New York Comm. for Occupational Safety and Health v Bloomberg*, 72 AD3d at 162).

Accordingly, it is hereby

ORDERED that the petition for the production of data (Motion Seq. No. 001) is DENIED IN PART, as far as petitioner seeks the addresses of shelters; and it is further

ORDERED that counsel shall appear at 71 Thomas Street, New York, New York, 10013 on February 25, 2026, at 10:00 a.m. for a hearing on what would be entailed in reproducing either the filtered or raw data sets.

This constitutes the decision and order of the Court.

1/8/2026
DATE



ALEXANDER M. TISCH, J.S.C.

CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
APPLICATION:	<input type="checkbox"/> GRANTED	<input type="checkbox"/> GRANTED IN PART
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER	<input checked="" type="checkbox"/> OTHER
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> REFERENCE
	<input type="checkbox"/> DENIED	<input type="checkbox"/> FIDUCIARY APPOINTMENT