



JACOB K. JAVITS CONVENTION CENTER OF NEW YORK

Henry R. Silverman Chairman of the Board
Alan E. Steel President and Chief Executive Officer

October 25, 2021

Karen Persichilli Keogh, Secretary to the Governor
Elizabeth Fine, Counsel to the Governor
Executive Chamber
Albany, NY 12224

Re: Government Transparency Initiative

Dear Ms. Persichilli Keogh & Ms. Fine,

Pursuant to your request, we have reviewed the policies and practices of the New York Convention Center Operating Corporation (NYCCOC) and I am addressing below each point in your September 20th Memo. It's worth noting that NYCCOC differs from other Executive Agencies and public authorities in that it does not provide a public service but rather operates a business in a competitive commercial environment. In its ordinary course of operations is not involved in policy related activities, nor does it utilize or expend public funds. Consequently, the nature of the information in possesses and its operations are not often the topic of inquiry. That being said, NYCCOC is committed to the transparency required by any public entity to ensure the public trust.

1. Making additional information available to the public on your website, or through the use of social and/or other media, while upholding the State's commitment to language access:

Current Practice: NYCCOC posts information on its website relating to Governance, Board meetings, policies, accessibility etc. as well as information of importance to our customers and the public. NYCCOC maintains active accounts with Facebook, Instagram, LinkedIn and Twitter, and has had over 500 posts during the past 12 months with over 81,000 followers. The information conveyed is of use to our employees, our customers and the broader community. The Javits Center also publishes an Annual Report and a Bi-Annual Sustainability Report about activities at the Center. The Javits Centers Communications department works regularly with media outlets for activities at the Javits Center, and has received coverage in the last year on NY1, National Public Radio, the New York Times, Good Morning America, The Washington Post and numerous industry publications.

Going Forward: We will continue to update and add information on our website, which is required or useful to the community regarding our activities. We will similarly continue to push information through both social media and traditional media outlets. Importantly, NYCCOC recently retained a marketing firm (in addition to the firm already on retainer) to focus on the new Javits Center expansion.

2. Ensuring the timely preparation of legally mandated reporting and identify ways to make useful information available to the public:

Current Practice: NYCCOC makes all required filings through PARIS on an annual basis, as well as other filings as required by the Public Integrity Reform Act and other laws. In addition, NYCCOC posts required information on its website as required by law and will continue to post new information of value to customers and the public. As noted above, NYCCOC prepares an Annual Report and a Sustainability Report to further inform the public of its activities. NYCCOC coordinates with other public authorities regarding best practices on compliance with its reporting obligations. In addition, as part of its annual risk assessment performed by its external "Internal Audit" firm, compliance with reporting requirements are reviewed. Both NYCCOC's Internal Audit firm and external Audit Firm have deep experience in representing public authorities and provide additional expertise to NYCCOC on the issue.

Going Forward: NYCCOC will continue to comply with all its legal reporting requirements going forward. In the next several months NYCCOC will be hiring a new CFO and adding a new lawyer to its Legal Department. We plan to use the onboarding of this new key staff as an opportunity to review the reporting requirements and compliance.

3. Ensuring use of the Project Sunlight database in accordance with the Public Integrity Reform Act of 2011:

Current Practice: Based upon our review of our current practices, we have found that NYCCOC has not been posting reports to the Project Sunlight website.

Going Forward: NYCCOC's Procurement Department is implementing a plan to be in place no later than November 15 in compliance with this program.

4. Improving response time for all Freedom of Information Law requests, including by tracking monthly backlogs of outstanding requests and new requests, and by proactively posting frequently requested information or completed requests online;

Current Practices: NYCCOC receives, relative to other agencies and authorities, very few FOIL requests (approximately 75 a year). Almost all of these relate to procurements and are not information generated by NYCCOC but rather the bids submitted in response to RFPS. NYCCOC complies with FOIL requests in a timely manner and tracks all requests to completion. There are few more complex requests each year which require a longer response time. In those instances the requestor is kept apprised of the time frame when to expect delivery.

Going Forward: We will continue to handle FOIL requests in the expeditious manner we currently handle them and don't envision any changes in our process.

5. Complying fully with Executive Order 85 "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement" regarding Open Data NY:

Current Practice: Based upon our review of our current practices, we have found that NYCCOC has not been posting datasets on the Open Data NY website.

Going Forward: Our Finance Department, working with our IT Department is engaged in a review of relevant data within the Javits Center system appropriate for disclosure through the Open Data NY website. Currently the CFO position at

NYCCOC is vacant. This may cause a delay in completing this process and the commencement of sharing the data. We expect full compliance no later than the end of this fiscal year.

6. Posting documents required for meetings open to the public at the same time the agenda is posted, to the extent practicable:

Current Practice: In accordance with the Open Meetings Law, NYCCOC posts Board Meeting Notices, as well as agenda and minutes, on its website. Notices are also posted on exterior entrance ways as well as internal points throughout the facility and are sent to relevant media outlets.

Going Forward: We will continue to post meeting notices, agendas and minutes consistent with the Open Meetings Law.

7. Reducing or eliminating the costs associated with providing data or records:

Current Practice: As a general rule, NYCCOC does not charge for records it provides in response to FOIL requests or subpoenas. Any production in response to such a request that can be made with existing resources is done at no cost to the requestor. The only time where reimbursement may be requested is when large volumes of digital information is requested and require a third-party vendor or additional hardware. This has never actually occurred and the only scenario we've encountered was a request for massive quantities of video files from our security system which would have required the purchase of an additional server (normally if it can be provided on a thumb drive or through a shared file, NYCCOC absorbs that cost). Once the requestor understood the scope of the data involved they withdrew the request.

Going Forward: NYCCOC will continue to provide materials in response to FOIL and subpoena requests at no cost to the requestor unless the request results in a material cost to NYCCOC.

8. Updating records retention policies, including ensuring the timely transfer of pertinent records to the State Archives:

Current Practice: Approximately 10 years ago, NYCCOC retained a consultant to provide guidance on compliance with the requirements of SARA. A schedule was developed and a process was put into effect to ensure compliance with SARA.

Going Forward: Since the initial process was put into place, there has been significant staff changes as well as significant changes in the operations of NYCCOC (notably a shift from paper to digital processes). With the assistance of NYCCOC's external "Internal Audit" firm, an updated Document Retention Policy has been drafted and is being finalized. Once that policy is finalized, a training program will be instituted to educate NYCCOC staff as to its requirements to ensure compliance. We anticipate this process to be completed by the end of this fiscal year.

9. Increasing participation of agency personnel in community events and town meetings and providing new avenues for public participation in government decision-making:

Current Practice: Putting aside NYCCOC's role in administering more vaccines than any other single facility on the planet, it has a robust community engagement

program. For example, NYCCOC annually administers the Javits Foundation's college scholarship program, which awards scholarships to students in neighborhood public high schools, opens the facility to the public and organizations for tours of the facility and its green roof, operates the "Javits Juniors" program which invites city school classes in to learn about the center. NYCCOC operates the Javits Care's program which involves the donation of materials left behind after events to community groups and organizations. In addition, when space and time allows, Community Board 4 has been able to use the Javits Center for its meetings.

Going Forward: Many of these programs have been paused during the pandemic. As safety concerns are further alleviated, all will be resumed. The installation of a solar farm and an actual vegetable farm this year will provide additional opportunities to engage the community around these unique features at the Javits Center.

I hope this is of assistance to you. Please do not hesitate to contact me if you need additional information.

Very truly yours,

A handwritten signature in black ink that reads "Alan Steel". The signature is written in a cursive, slightly slanted style.

Alan Steel
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