



Written by [Michael Tennant](#) on July 28, 2020

New York Supreme Court Orders Release of NYC Gun Owners' Private Info

The New York Supreme Court last week ordered the New York City Police Department (NYPD) to provide a newspaper with a list of the names, ZIP codes, and license categories of all individuals in the city who obtained firearms licenses in 2018.

The *New York Daily News* — which, according to [Justice Arthur Engoron's opinion](#), “frequently covers gun-related political and policing issues” — has been seeking information about city gun licensees since 2018. Under the Empire State's Freedom of Information Law (FOIL), the paper first requested the names and license types for all licenses issued between 2014 and 2017. The NYPD denied the request on various grounds, including that it “would constitute an unwarranted invasion of privacy” and that compliance “would be burdensome,” recounted Engoron.



Another hurdle the NYPD had to overcome was New York's Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013, which Governor Andrew Cuomo [touted](#) as the toughest gun-control law in the nation at the time. The act allows firearms licensees to request that their information not be made public, though their requests may be denied unless they meet certain specific criteria. “The SAFE act,” noted Engoron, “requires disclosure of the names and addresses of gun licensees unless they have applied for *and been granted* an exemption under the statute.” The NYPD's database for pre-2018 gun licenses did not indicate which licensees had been granted an exemption, so the department could have faced legal challenges had it chosen to comply with the *Daily News'* request.

However, the NYPD implemented a new computerized licensing system in 2018 that does keep track of which applicants obtained exemptions. The *Daily News* thus asked for the names, ZIP codes, and license categories of all individuals who were granted gun licenses that year.

Again the NYPD balked, dragging its feet and producing only limited and incomplete records for the newspaper. The department seems to have been looking out for the interests of the people it serves because, according to Engoron, it “refused to disclose the names and zip codes of the licensees who requested but were denied an exemption in 2018, arguing that this information is confidential,” “that disclosure would endanger the life and safety of any person,” and that it “would constitute an unwarranted invasion of personal privacy.”

After the *Daily News* appealed this decision, the NYPD released the list of licensees who were denied SAFE exemptions but did not include their license categories. The NYPD also refused to provide



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information about 2018 license renewals or licenses granted to retired public employees.

Still not getting what it wanted, the *Daily News* took the matter to court. On July 20, Engoron, citing the SAFE Act, sided mostly with the newspaper. He ordered the NYPD to provide the *Daily News* with “the name, zip code, and license category of all those to whom it granted a new or renewal license during Calendar Year 2018,” including those “who applied prior to Calendar Year 2018 but were granted a license during that year.” He did allow the NYPD to withhold the names of licensed former public employees but still required the department to release their ZIP codes and license categories.

Engoron dismissed the NYPD’s argument that fulfilling the *Daily News*’ request would be “unreasonably difficult,” writing that such a contention “would allow respondent to fail to produce anything.” He also disagreed with the NYPD that the case was moot since the requested records exist, can be obtained, and have not yet been provided to the paper.

Despite its clear basis in New York law, Engoron’s decision is troubling. As Townhall’s [Beth Baumann](#) observed, it’s fine for a newspaper to be able to obtain information about geographical trends in firearms purchases and use — information for which it might have a legitimate purpose — but it is not so good for it to be able to find out who owns them and where they live.

Even more troubling is the fact that the government gets to decide who is allowed to own guns and whether or not he may keep such information private. “This case right here,” Baumann avers, “is what gun owners have been worried about: the ability to create a registry, which could eventually lead to confiscation.”

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