



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
SUBPOENA AD TESTIFICANDUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: Harold Moore
Chief Technology Officer
Executive Chamber
Capitol Building
Albany, NY 12224

YOU ARE HEREBY COMMANDED, pursuant to Executive Law § 63(8) and § 2302(a) of the New York Civil Practice Law and Rules, to appear and attend before the Special Deputies to the First Deputy Attorney General, on April 2, 2021 at 9:30 AM, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006 to testify in connection with an investigation into allegations of and circumstances surrounding sexual harassment claims made against Governor Cuomo, or any matter which the Attorney General deems pertinent thereto.

TAKE NOTICE that the Attorney General deems the testimony commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

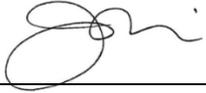
TAKE NOTICE that the examination may be recorded by stenographic, videographic and/or audio means.

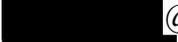
TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to appear and attend and testify on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under § 2308 of the New York Civil Practice Law and Rules and/or other statutes.

EXHIBIT

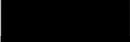
Exhibit 1 - 4/15/21

WITNESS, The Honorable Letitia James, Attorney General of the State of New York,
this 19th day of March, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov
@ag.ny.gov

By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov



**MEMORANDUM
EXECUTIVE CHAMBER
Computer Services Unit**



April 13, 2021

TO:

FROM: Harold Moore

SUBJECT: Computer Procedures

The following items address computer procedures of which you should be aware. As Internal Control Officer for Data Processing, you should contact me if you have any questions concerning this memo.

Backup

Computer Services creates a backup each evening of email and all documents stored to the network (drive letter 'G' or 'I'). These backups are retained for one day and then overwritten. Any files saved to the "My Documents" folder are stored on the local hard drive of your workstation and are **not** backed up on the nightly tape. **You** are responsible for backing up these files or deleting them, if no longer needed.

Email

Many of the most common computer viruses and other malicious software are spread through e-mail attachments. If you receive an e-mail message with an attachment from someone you don't know, delete it immediately.

Be aware that you should not use personal email for State business. Doing so may pose cybersecurity risks, undermine Government transparency, and result in your personal email account becoming subject to FOIL and other legal process.

You should not use your State email to communicate about personal matters or campaign volunteering.

Certain limited exceptions to these rules exist for inadvertent or incidental communications, but bear in mind you should never use State email for campaign volunteering even incidentally.

If someone contacts you about State business on a personal email, or vice versa, please redirect the sender to the appropriate email.

Please contact the Chamber's ethics officer for further guidance or with any questions.

Internet

Internet access exists to facilitate the official work of the Executive Chamber. Be aware that the Internet is an inherently insecure system. Email you send or receive via the Internet could potentially be intercepted, read and discussed. Additionally, some web sites maintain a log that tracks the names of users who access their site.

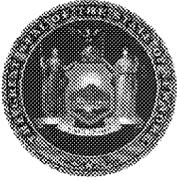
Downloading files from the Internet substantially increases the risk of infecting our network with a virus. ***In order to minimize the potential for contamination, you should not download any files from the Internet onto our system nor should you bring in CD/DVD/ Memory stick programs or games as they can also introduce a virus into our system.***

Personal Equipment

You are not authorized to connect non-Chamber equipment, including personal laptops or storage devices (including thumbdrives and memory sticks), to the Chamber's network or to Chamber equipment.

Acceptable Use

See attached regarding the Executive Chamber's Acceptable Use Policy.



MEMORANDUM
EXECUTIVE CHAMBER
Computer Services Unit

April 13, 2021

TO:

FROM: Harold Moore

SUBJECT: Training Account

An NY.gov ID account has been created on your behalf. This account can be used to complete on-line training courses, including Ethics, Sexual Harassment Prevention, as well as SFS (a Statewide Financial System that requires all reimbursement requests & approvals to be done on-line). The Administration Office will notify you of the date you are required to complete the training.

You are required to log into your NY.gov ID account as follows:

URL: <https://my.ny.gov/>
Click "Sign In"
Username: .@exec.ny.gov
Password:

Please log into your account and follow the instructions to change your password (it must contain both letters and numbers, at least 8 characters in length) and answer three security questions.

Once you have logged in and changed your password, **please sign, date and return this form** to indicate you have successfully completed these steps. You will receive a follow up email with further instructions regarding your NYS Learn account.

Signed: _____

Date: _____



**MEMORANDUM
EXECUTIVE CHAMBER
Computer Services Unit**

April 13, 2021

TO:

FROM: Harold Moore

SUBJECT: NY-ALERT

Executive Chamber employees are required to enroll in NY-ALERT (New York State's All-Hazard Alert and Notification System).

NY-ALERT subscribers receive emergency information (building closures, severe weather alerts, disaster information, etc) using a variety of methods including e-mail, text message, phone (home/cell), fax, or pager.

One of your first duties with the Executive Chamber is to enroll in the NY-ALERT system and provide your personal contact information. You should do so by visiting the secure portal at <https://alert.ny.gov/> and clicking the "Enroll" button.

Once you have enrolled with NY-ALERT, **please sign, date and return this form** to my attention to indicate you have successfully enrolled.

Information regarding NY-ALERT can be found at <https://alert.ny.gov/>

Signed: _____

Memorandum

To: Agency General Counsels
From: [REDACTED], General Counsel, NYS Office of Information Technology Services
Date: June 18, 2013
Re: Email Consolidation and Email Management

Over the past year, the State, through the NYS Office of Information Technology Services (ITS), has been consolidating the State's disparate email systems to facilitate interoperability and enhance interagency communications. The next part of this process is standardization of email management. This is also important for the migration of current state agency email systems to the new cloud-based system. If your IT staff were consolidated within ITS effective November 22, 2012, ITS is responsible for all technical implementation of the steps detailed below. If your agency has its own IT staff, your agency staff is responsible for all technical implementation of the steps detailed below, although ITS is available for advice and guidance to support consistent technical implementations.

- The State is retaining enormous amounts of email data that is difficult to manage and interferes with operations.
- The State Archives has determined that most email communication does not constitute records that must be preserved under the law.
- Retaining only email that is directly relevant to operations and/or that is required by law to be retained will improve agency operations, knowledge transfer and succession planning. http://www.archives.nysed.gov/a/records/mr_pub_genschedule_accessible.html
- Federal agencies and corporations have implemented email management policies wherein email messages are purged from their systems 30, 60, or 90 days from the date sent or received, for example. Such a system will aid the State in improving its email management.
- **As of June 30, 2013, the State will be implementing a standard 90-day email management system for all State agencies.** Email sent and received on or after June 30, 2013, will be retained for 90 days after the date on which it was sent or received unless otherwise deleted. Thus, all email sent or received on June 30 will be purged from a user's mailbox automatically on September 29, all email from July 1 will be purged on September 30, and so on.
- **Under this new system, email that must be retained longer than 90 days can and will be saved.**
 - Litigation holds will remain in place.
 - Holds can be placed on accounts containing material potentially responsive to a FOIL request.
 - Users will be able to save email needed for more than 90 days, for example, for long-term projects.

- No agency will have to delete material necessary to conduct its business or to meet legal requirements.
- **Older email will not be purged immediately. Any email 60 days old or older on June 30 will be withheld from deletion until July 30, 2013,** 30 days after the 90-day schedule takes effect. This ensures that users will have at least 30 and up to 90 days to review everything already in their mailbox as of June 30. For example, emails sent or received:
 - on May 1 or earlier will be purged July 30
 - on May 2-June 29 will be purged as they reach 90 days old, July 31-September 28
 - on or after June 30 will be purged as they reach 90 days old

General Counsels should take the following steps to prepare for implementation of the new email management system.

- Determine what litigation holds are in place and whether any of them are no longer necessary and can be released. Your IT staff is responsible for taking the technical steps necessary to preserve or release holds.
- Compile a list of staff on medical, maternity, paternity, or other long-term formal leave to ensure that their email is not purged before they have an opportunity to review it. Your IT staff will handle the technical aspects of retaining email.
- Compile a list of dormant email accounts, such as accounts from employees now separated from the agency. Contents of some of the accounts may require review before the contents are purged.
- Compile a list of group email mailboxes. If you determine that a mailbox could be the exclusive storage location for records that must be retained, then it should be reviewed before the contents are purged.
- Consult your agency records retention schedule to determine which staff members might have records subject to retention requirements of the Arts and Cultural Affairs Law stored exclusively in their email boxes or archives.
- Using the model email management memo to staff provided, create guidance for your agency staff on the new email management system. **Please note: information in the model regarding appropriately saving email content or the process for litigation holds may not exactly match your agency's, depending on your agency's specific email systems and litigation hold procedures.** Your IT staff will be able to describe the saving mechanism for your agency, but please also be in touch with me (contact information below) for assistance with this project.

This new standard may change how some users manage their email. ITS staff will provide your agency staff with technical guidance specific to your agency's current email system and, upon consolidation, the new email program that will be used statewide.

I will be communicating with you to share specific guidance on the implementation of the email consolidation and standardization described here. If you have questions about the implementation of this standardized email process, please contact me.

Contact information: [REDACTED]@its.ny.gov
[REDACTED]@its.ny.gov

Revised 2020



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

RECORDS RETENTION AND DISPOSITION SCHEDULE

This Records Retention and Disposition Schedule ("Schedule") governs the retention of the records of the Office of the Governor. Many of these records are available on websites, including the Governor's website (<http://www.governor.ny.gov/>) and the New York State Legislative Retrieval System. Records covered by this Schedule must be retained for the minimum retention period as specified in this Schedule, regardless of format. For more information about the Freedom of Information Law and the public's right to gain access to government records, please see the website for the Committee on Open Government (<http://www.dos.ny.gov/coog/index.html>).

Chamber_AG_00000

EXHIBIT

Exhibit 4 - 4/15/21

1. AGENCY MATTERS

This section covers records relating to the agencies, commissions, and rulemaking.

Record Series Title and Description	Retention Period	Final Disposition
<u>General Agency</u> General files maintained for records and information on State agency activities, projects, and issues. Files may include briefings, research, analyses, resource material, opinions, recommendations, reports, and correspondence.	Retain in office until file inactive	Do not retain
<u>General Agency – Concurrences</u> Original copy of concurrence form requesting the Governor’s signature with a copy of the original document.	Retain in office until end of the administration	Do not retain
<u>Cabinet Presentations</u> Copies of electronic presentations made at open Cabinet meetings.	Retain in office until end of the administration	Retain
<u>Commission Reports</u> Copies of reports and other information issued by commissions, task forces, councils, and other entities established by Executive Order.	Retain in office until end of administration	Retain
<u>Notices of Proposed Rulemaking</u> Notices of proposed rulemaking submitted by an agency or authority to the Regulatory Review Unit (“RRU”) and recommended to the Executive Chamber by RRU for publication in the State Register. Files include background materials and meeting notes.	Retain in office until rule adopted	Do not retain
<u>State Land Classification</u> Governor’s approval of State land classification, pursuant to Executive Law § 816, proposed by the Adirondack Park Agency. File includes Board resolution and attachments, background	Retain in office until end of the administration	Retain

materials, notes, and draft and final copies of Governor's approval letter.		
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<p><u>Civil Service Resolutions</u></p> <p>Governor’s approval of resolutions adopted by the State Civil Service Commission, pursuant to the State Administrative Procedure Act, making changes to the Appendices of the Rules for the Classified Service. File includes background and requests and comments from State agencies and public employee unions, if any.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>NYPA Power Allocation Contracts</u></p> <p>Contracts recommended for Governor’s approval by the New York Power Authority allocating hydropower to recipients, and Governor’s approval letter.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>State Operations Directives</u></p> <p>Memoranda and guidance to Chamber staff and heads of agencies and authorities from the Director of State Operations.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>New York City Watershed</u></p> <p>Notices required to be filed with the Governor pursuant to the 1997 New York City Watershed Memorandum of Agreement.</p>	<p>Retain in office until file inactive</p>	<p>Retain</p>
<p><u>Findings of Suitability for Early Transfer of Property Under CERCLA § 120(h)(3)(c)</u></p> <p>Governor’s concurrence on findings statement by Federal officials that Federal land is suitable for early transfer even though all remedial action is not complete under the Comprehensive Environmental Response, Compensation and Liability Act . File includes background materials from the Federal government and recommendations from NYS Department of Environmental Conservation.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>

<u>Ethics</u> Files containing opinions provided by Chamber Ethics Officer and requests for opinions from the Joint Commission on Public Ethics and opinions provided therefrom.	Retain in office until end of the administration	Retain
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2. APPOINTMENTS

This section covers records relating to the appointment by the Governor of people to agencies, boards, and commissions.

Record Series Title and Description	Retention Period	Final Disposition
<p><u>Confidential Files</u></p> <p>Files contain appointments questionnaire and highly sensitive personal information, including criminal history check and financial and tax information relating to individuals appointed to positions and applicants for positions.</p>	<p>Retain securely in office until end of the administration</p>	<p>Do not retain</p>
<p><u>Board/Commission Files</u></p> <p>Files contain information relating to status of membership on boards or commissions appointed by the Governor directly or with Senate confirmation. Includes appointment processing forms, members' resumes, appointment and take-off letters, resignations, and recommendations from legislators. Also includes Orange Card containing chronological listing of members.</p>	<p>Retain in office until board or commission eliminated or until relevant board member resigns</p>	<p>Retain in office. Do not retain selected contents with personal information</p>
<p><u>Nomination Certificates</u></p> <p>Final text of nomination certificates, date stamped, and filed with the Senate for confirmation of an appointment made by the Governor.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>Confirmation Certificates</u></p> <p>Certificate recording Senate confirmation of individual nominated for appointment by the Governor.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>Appointment Letters</u></p> <p>Copies of letters sent to State Comptroller and individual notifying them of Senate confirmation of individual's nomination by Governor for appointment.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>

<p><u>Budget Director Approvals (BDA)</u></p> <p>File contains BDA form, agency justification, duties description, agency head certification, minimum qualifications, resume, appointments processing form, copy of Appointments Office approval, and DOB approval.</p>	<p>Retain in office until end of the administration</p>	<p>Do not retain</p>
<p><u>Judicial Screening Candidates</u></p> <p>Files contain judicial appointment questionnaire submitted by candidates seeking judicial appointment and other materials.</p>	<p>Retain in office until end of the administration. Files of applicants who withdraw or become ineligible for selection are not retained.</p>	<p>Do not retain</p>

<p><u>Judicial Screening Committees</u></p> <p>Files contain contact and other information relating to each Judicial Screening Committee.</p>	<p>Retain in office until committee members' departure from committee</p>	<p>Do not retain</p>
<p><u>Judicial Screening Committee Reports</u></p> <p>Files contain the Judicial Screening Committees' confidential reports on candidates finding them highly qualified.</p>	<p>Retain in office until end of the administration</p>	<p>Do not retain</p>
<p><u>Designation Certificates</u></p> <p>Files contain copies of Governor's certificate designating a NYS Supreme Court Justice to the Appellate Division and to Presiding Justice of a Department of the Appellate Division.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>Daybook and Nomination Certificates</u></p> <p>Files contain letters informing public officials of Governor's nominations and designations of individuals to judicial office and copies of Governor's certificate filed with NYS Senate nominating an individual for confirmation to a judicial appointment.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>

3. CORRESPONDENCE AND INFORMATION

This section covers records relating to the activities and communications between the Governor’s Office and constituents and local officials.

Record Series Title and Description	Retention Period	Final Disposition
<u>Governor’s Correspondence</u> Database of and original letters to and from the Governor managed by the Governor’s Correspondence Office.	Retain in office until end of the administration	Retain
<u>Lieutenant Governor’s Correspondence</u> Database of and original letters to and from the Lieutenant Governor managed by the Office of the Lieutenant Governor.	Retain in office until end of the administration	Retain
<u>Press Releases</u> Electronic file of press releases issued by the Governor.	Retain in office until end of the administration	Retain

4. EXECUTIVE ACTIONS

This section covers records relating to the Governor’s executive actions.

Record Series Title and Description	Retention Period	Final Disposition
<u>Proclamations, Citations, Certificates and Messages</u> Copies of proclamations, citations, certificates, and messages issued by the Governor, including the State of the State and annual budget presentation.	Retain in office until end of the administration	Retain
<u>Investigations</u> Files contain Governor’s requests for investigation pursuant to Executive Law § 63.	Retain in office until end of the administration	Retain
<u>Executive Orders</u> Copies of original Executive Orders filed with Department of State.	Retain in office until end of the administration	Retain
<u>Extraordinary Session Proclamations</u> File contains copies of original Proclamations filed with Department of State.	Retain in office until end of the administration	Retain
<u>Special Election Proclamations</u> File contains each Proclamation issued by the Governor, and transmittal letters to the Secretary of State and Board of Elections.	Retain in office until end of the administration	Retain

<p><u>Messages of Necessity</u></p> <p>File contains requests from Legislature for a Message of Necessity pursuant to NY Constitution Art III, § 14 and Constitution Art VII, § 5 and copy of the Message filed with the Legislature.</p>	<p>Retain in office until end of administration</p>	<p>Retain</p>
<p><u>Reprieves, Commutations and Pardons</u></p> <p>File contains each Proclamation issued by the Governor for reprieves, commutations, and pardons.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>

5. GOVERNOR'S ACTIVITIES

This section covers records relating to the Governor's public affairs and communications, including events and activities.

Record Series Title and Description	Retention Period	Final Disposition
<u>Photographs</u> Photographs of Governor's public events.	Retain in office until end of the administration	Retain
<u>Videos</u> Videos of Governor's public events.	Retain in office until end of the administration	Retain
<u>Speeches</u> Audio recordings of Governor's public speeches.	Retain in office until end of the administration	Retain
<u>Governor's Schedule</u> Governor's schedule as posted.	Retain in office until end of the administration	Retain
<u>Governor's Invitations</u> Original invitations to Governor to attend events and database containing invitations to Governor to attend events.	Retain in office until end of the administration	Do not retain
<u>Lieutenant Governor's Schedule</u> Lieutenant Governor's schedule.	Retain in office until end of the administration	Retain

<u>Lieutenant Governor's Invitations</u> Original invitations to Lieutenant Governor to attend events and database containing invitations to Lieutenant Governor to attend events.	Retain in office until end of the administration	Do not retain
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6. LEGISLATION

This section covers records relating to proposed and enacted legislation.

Record Series Title and Description	Retention Period	Final Disposition
<u>Legislation</u> General files maintained for tracking legislation and negotiating amendments, including to the Budget, with the Legislature, and including agency and Chamber staff recommendations.	Retain in office until file inactive	Do not retain
<u>Ten Day Memoranda</u> Memoranda providing legal and policy advice on legislation that has been delivered to the Governor for approval or veto.	Retain in office until end of the administration	Do not retain
<u>Session Law Bill Jackets</u> Files containing bill, sponsors' memoranda, vote tally, comments, Counsel letters to sponsors and sponsors responses, and Approval and Veto Messages.	Retain in office until transferred to State Archives	Retain
<u>Ledger Books</u> Hard cover Ledger Book documenting: (a) chapter numbers assigned to each bill that becomes law, (b) veto numbers assigned to each bill that is disapproved by the Governor, and (c) the delivery of vetoes to Legislature.	Retain in office	Retain
<u>Program Bills</u> File contains internal signoff sheet and copy of Program Bill and Memorandum submitted to the Legislature for introduction.	Retain in office or State Records Center until end of the administration	Retain Do not retain sign-off sheet
<u>Budget Bills</u> File contains internal signoff sheet and copy of Budget Bill and Memorandum submitted to the Legislature for introduction.	Retain in office or State Records Center until end of the administration	Do not retain

<p><u>Departmental Bills</u></p> <p>File contains internal signoff sheet and copy of bill and memorandum submitted to the Legislature for introduction, as well as the Fact Sheet submitted by agency to Executive Chamber for consideration.</p>	<p>Retain in office or State Records Center until end of the administration</p>	<p>Do not retain</p>
<p><u>Veto Messages</u></p> <p>File contains copy of Veto Messages sent to Legislature with bill that is vetoed by Governor.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>

<p><u>Approval Messages</u></p> <p>File contains copy of Approval Message typically but not always included in Bill Jacket transferred to State Archives.</p>	<p>Retain in office until the end of the administration</p>	<p>Retain</p>
<p><u>Pen Signature Authorizations</u></p> <p>File contains memoranda from Governor's Counsel authorizing use of pen signature machine for signature of Governor and Secretary to the Governor.</p>	<p>Retain in office until end of the administration</p>	<p>Do not retain</p>

7. LITIGATION AND FOIL REQUESTS

This section covers records relating to litigation and FOIL requests.

Record Series Title and Description	Retention Period	Final Disposition
<p><u>Litigation</u></p> <p>File contains a copy of papers received commencing litigation involving the Governor or other Executive Chamber staff and final papers submitted to court. File includes copy of referral letter to the Attorney General.</p>	<p>Retain in office until appeal time concludes, and then forward them to the New York State Archives, for retention for 10 years</p>	<p>Do not retain</p>
<p><u>Litigation Log</u></p> <p>Electronic log of papers received commencing litigation against the Governor or other Executive Chamber staff.</p>	<p>Retain in office until end of the administration</p>	<p>Retain</p>
<p><u>FOIL Requests</u></p> <p>Requests for records under Freedom of Information Law and Executive Chamber responses.</p>	<p>If requestor does not file an administrative appeal, retain for 1 month after expiration of time to appeal; if requestor files an administrative appeal, retain for 5 months after conclusion of appeal; and if requestor files an Article 78 proceeding, retain until 1 month after expiration of time to appeal</p>	<p>Do not retain</p>

	or resolution of appeal by court of last resort	
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8. TRIBAL AFFAIRS

This section covers records relating to tribal relations and issues.

Record Series Title and Description		Retention Period	Final Disposition
<u>Native-American Affairs</u> General files maintained related to Native-American affairs.		Retain in office until file inactive	Retain

Notes

1. Active files are maintained in Executive Chamber unless specified otherwise.
2. This Schedule supersedes and replaces any other records retention and disposition schedules of the Executive Chamber.
3. Form acknowledgement letters from and mass mailings to the Governor will not be retained.
4. Where retention period is until end of the administration, but file is needed for transition, retain in office for transition.
5. Where retention period is until end of the administration, and file is not needed for transition, disposition may commence prior to end of administration.
6. Governor may elect to designate any record of historical significance for Governor's Papers collection.
7. Executive Chamber administration files are maintained pursuant to the Records Management Procedures of the Division of the Budget.
8. The websites are to be archived at the end of administration.
9. According to the NYS Archives, "[m]any e-mail communications are not records and are therefore suitable for immediate destruction. Those messages and attachments which are records should be maintained in appropriate electronic or paper files and disposed consistent with applicable authorizations for those records." For this reason, the NYS Archives' standard instruction is that e-mails should be deleted "after messages and attachments are opened and records have been saved in appropriate electronic or paper file." See the General Retention and Disposition Schedule for New York State Government Records at http://www.archives.nysed.gov/a/records/mr_pub_genschedule_accessible.html. The Executive Chamber adopts the NYS Archives' policy with respect to e-mails but goes further to state that all electronic communications, whether by e-mail, text, or Blackberry pin, will fall under this policy and will be retained consistent with this records retention and disposition schedule if they constitute records. It is the content and not the form or method of the communication that governs retention.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

March 9, 2021

VIA EMAIL

Beth Garvey
Acting Counsel to the Governor
State Capitol, NY-5
Albany, NY 12224

Dear Counsel:

We have been appointed by the Attorney General of the State of New York pursuant to New York State Executive Law Section 63(8) to conduct an independent investigation into allegations of, and circumstances surrounding, sexual harassment by Governor Andrew Cuomo.

We understand that prior to our appointment, on March 1, 2021, you received a notice from the New York State Attorney General's Office ("NYAG") reminding you of your obligation to preserve all documents potentially relevant to the investigation, including any documents in the possession of the Governor's current and former staff members. It noted that the request should be interpreted as broadly as possible. For the avoidance of doubt, and not to serve in any way as a limitation, we reiterate and join that prior preservation notice.

We also note that the preservation notice covers any and all relevant documents, records, and data in the possession, whether in official or personal capacities, of current employees, as well as former employees. For employees who have recently left their employment or have transferred to other positions (or who leave or transfer subsequent to this date), this is to advise that you should take steps to preserve all of the documents, records, and data concerning these employees or within these employees' official or personal accounts or devices as well. Finally, the document preservation notice covers any documents, records, or data that is within the control of and relating to the Governor's Office, as well as the Governor's Mansion and any other location where the Governor has performed official business or met with any employee.

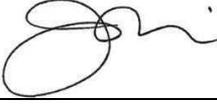
If you have any issues with this notice, or believe you have failed or will not be able to comply with any aspect of this notice or the prior preservation notice, please notify us immediately.

[Signature Page to Follow]

EXHIBIT

Exhibit 5 - 4/15/21

Sincerely,

By: 

Joon H. Kim
Special Deputy to the First
Deputy Attorney General
[REDACTED]@ag.ny.gov

By: /s/ Anne Clark

Anne Clark
Special Deputy to the First
Deputy Attorney General
[REDACTED]@ag.ny.gov