



Department of Financial Services

ANDREW M. CUOMO
Governor

LINDA A. LACEWELL
Superintendent

VIA EMAIL

(G@xNY.io)

June 4, 2021

Mr. Gunnar Larson
xNY.io - CryptoBank
New York, New York 10001

Re: Your Freedom of Information Law (“FOIL”) Tracking No. 2021-085728

Dear Mr. Larson:

I write in response to a FOIL request that you submitted to the New York State Department of Financial Services (“Department”) on March 3, 2021, which has been assigned the above-referenced tracking number and seeks the “DFS' approval roster (complete approved registration list) with corresponding business affiliation” for registrants of the DFS Techsprint. Specifically, your FOIL request reads as follows:

“Good day: Per the e-mail correspondence below concerning the DFS Tech Sprint Innovational, this request is to define and keep the public informed of DFS' approval roster (complete approved registration list) with corresponding business affiliation on the basis of New York's Freedom of Information Law (FOIL) One of the tools available to the public to attain this type of information is access to records concerning any participants role in computer crimes actively engaged at the will of xNY.io's Tech Sprint denial. As the Sprint is now ongoing with DFS' approved participants. the member roster report and affiliation statistics stand already available. Can you kindly advise if this FOIL records request can be complete this week? Thank you. -- Gunnar Larson - www.xNY.io MSc - Digital Currency MBA - Entrepreneurship and Innovation (ip) G@xNY.io+1-646-454-9107New York, New York 10001 ----- Forwarded message ----- From: dfs.sm.DfsNext Date: Mon, Feb 22, 2021 at 3:56 PM Subject: Update on DFS Techsprint To: dfs.sm.DfsNext Hello, Thank you for your interest in the Techsprint. Unfortunately, at this time, we are not able to extend you an invitation to participate. Thank you again for applying. Best,DFS Next DFSNext New York State Department of Financial Services 1 State Street, New York, NY 10004www.dfs.ny.gov.”

I. Business Affiliations of Techsprint Registrants

The Department is withholding the business affiliations of Techsprint registrants pursuant to Public Officers Law § 87(2)(b), which provides an exemption from disclosure for records or portions thereof that, “if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article.” Public Officers Law § 89(2) provides a non-exhaustive list of the types of information that, if disclosed, would constitute an unwarranted invasion of personal privacy, which includes employment history. See Public Officers Law § 89(2)(b)(i). In our view, because employment history is specifically protected, the release of business affiliations of Techsprint registrants would constitute an unwarranted invasion of personal privacy under Public Officers Law § 87(2)(b). Accordingly, the portion of your request that seeks the business affiliations of Techsprint registrants is denied.

Pursuant to N.Y. Public Officers Law § 89(4), you may appeal the Department’s determination to withhold records within 30 days by sending an email to D. Monica Marsh, Principal Attorney, New York State Department of Financial Services at FOIL.Appeals@dfs.ny.gov.

II. List of Names of Techsprint Registrants

With respect to your request for a list of names of Techsprint registrants, pursuant to Public Officers Law § 89(2)(b)(iii), an unwarranted invasion of personal privacy includes, but is not limited to the “sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes.” Please provide your certification that you will not use the requested information for solicitation or fundraising purposes by June 11, 2021. If the Department does not receive your certification by that date, we will deem this portion of your FOIL request withdrawn.

Very truly yours,

Pascale Jean-Baptiste

Pascale Jean-Baptiste
Acting FOIL Officer
Office of General Counsel