



General Assembly

February Session, 2006

**Raised Bill No. 5218**

LCO No. 1093

\* \_\_\_\_\_HB05218JUD\_\_\_032706\_\_\_\_\_\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING DISCLOSURE OF RECORDS UNDER THE  
FREEDOM OF INFORMATION ACT WHEN DISCLOSURE PRESENTS  
A SAFETY RISK TO THE JUDICIAL DEPARTMENT.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the 2006 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (b) Nothing in the Freedom of Information Act shall be construed to  
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has  
7 determined that the public interest in withholding such documents  
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of  
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to  
12 the public which records were compiled in connection with the  
13 detection or investigation of crime, if the disclosure of said records

14 would not be in the public interest because it would result in the  
15 disclosure of (A) the identity of informants not otherwise known or the  
16 identity of witnesses not otherwise known whose safety would be  
17 endangered or who would be subject to threat or intimidation if their  
18 identity was made known, (B) signed statements of witnesses, (C)  
19 information to be used in a prospective law enforcement action if  
20 prejudicial to such action, (D) investigatory techniques not otherwise  
21 known to the general public, (E) arrest records of a juvenile, which  
22 shall also include any investigatory files, concerning the arrest of such  
23 juvenile, compiled for law enforcement purposes, (F) the name and  
24 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
25 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
26 impairing of morals under section 53-21, or of an attempt thereof, or  
27 (G) uncorroborated allegations subject to destruction pursuant to  
28 section 1-216;

29 (4) Records pertaining to strategy and negotiations with respect to  
30 pending claims or pending litigation to which the public agency is a  
31 party until such litigation or claim has been finally adjudicated or  
32 otherwise settled;

33 (5) (A) Trade secrets, which for purposes of the Freedom of  
34 Information Act, are defined as information, including formulas,  
35 patterns, compilations, programs, devices, methods, techniques,  
36 processes, drawings, cost data, or customer lists that (i) derive  
37 independent economic value, actual or potential, from not being  
38 generally known to, and not being readily ascertainable by proper  
39 means by, other persons who can obtain economic value from their  
40 disclosure or use, and (ii) are the subject of efforts that are reasonable  
41 under the circumstances to maintain secrecy; and

42 (B) Commercial or financial information given in confidence, not  
43 required by statute;

44 (6) Test questions, scoring keys and other examination data used to  
45 administer a licensing examination, examination for employment or

46 academic examinations;

47 (7) The contents of real estate appraisals, engineering or feasibility  
48 estimates and evaluations made for or by an agency relative to the  
49 acquisition of property or to prospective public supply and  
50 construction contracts, until such time as all of the property has been  
51 acquired or all proceedings or transactions have been terminated or  
52 abandoned, provided the law of eminent domain shall not be affected  
53 by this provision;

54 (8) Statements of personal worth or personal financial data required  
55 by a licensing agency and filed by an applicant with such licensing  
56 agency to establish the applicant's personal qualification for the  
57 license, certificate or permit applied for;

58 (9) Records, reports and statements of strategy or negotiations with  
59 respect to collective bargaining;

60 (10) Records, tax returns, reports and statements exempted by  
61 federal law or state statutes or communications privileged by the  
62 attorney-client relationship;

63 (11) Names or addresses of students enrolled in any public school or  
64 college without the consent of each student whose name or address is  
65 to be disclosed who is eighteen years of age or older and a parent or  
66 guardian of each such student who is younger than eighteen years of  
67 age, provided this subdivision shall not be construed as prohibiting the  
68 disclosure of the names or addresses of students enrolled in any public  
69 school in a regional school district to the board of selectmen or town  
70 board of finance, as the case may be, of the town wherein the student  
71 resides for the purpose of verifying tuition payments made to such  
72 school;

73 (12) Any information obtained by the use of illegal means;

74 (13) Records of an investigation or the name of an employee  
75 providing information under the provisions of section 4-61dd, as

76 amended;

77 (14) Adoption records and information provided for in sections 45a-  
78 746, 45a-750 and 45a-751;

79 (15) Any page of a primary petition, nominating petition,  
80 referendum petition or petition for a town meeting submitted under  
81 any provision of the general statutes or of any special act, municipal  
82 charter or ordinance, until the required processing and certification of  
83 such page has been completed by the official or officials charged with  
84 such duty after which time disclosure of such page shall be required;

85 (16) Records of complaints, including information compiled in the  
86 investigation thereof, brought to a municipal health authority pursuant  
87 to chapter 368e or a district department of health pursuant to chapter  
88 368f, until such time as the investigation is concluded or thirty days  
89 from the date of receipt of the complaint, whichever occurs first;

90 (17) Educational records which are not subject to disclosure under  
91 the Family Educational Rights and Privacy Act, 20 USC 1232g;

92 (18) Records, the disclosure of which the Commissioner of  
93 Correction, or as it applies to Whiting Forensic Division facilities of the  
94 Connecticut Valley Hospital, the Commissioner of Mental Health and  
95 Addiction Services, has reasonable grounds to believe may result in a  
96 safety risk, including the risk of harm to any person or the risk of an  
97 escape from, or a disorder in, a correctional institution or facility under  
98 the supervision of the Department of Correction or Whiting Forensic  
99 Division facilities. Such records shall include, but are not limited to:

100 (A) Security manuals, including emergency plans contained or  
101 referred to in such security manuals;

102 (B) Engineering and architectural drawings of correctional  
103 institutions or facilities or Whiting Forensic Division facilities;

104 (C) Operational specifications of security systems utilized by the

105 Department of Correction at any correctional institution or facility or  
106 Whiting Forensic Division facilities, except that a general description  
107 of any such security system and the cost and quality of such system  
108 may be disclosed;

109 (D) Training manuals prepared for correctional institutions and  
110 facilities or Whiting Forensic Division facilities that describe, in any  
111 manner, security procedures, emergency plans or security equipment;

112 (E) Internal security audits of correctional institutions and facilities  
113 or Whiting Forensic Division facilities;

114 (F) Minutes or recordings of staff meetings of the Department of  
115 Correction or Whiting Forensic Division facilities, or portions of such  
116 minutes or recordings, that contain or reveal information relating to  
117 security or other records otherwise exempt from disclosure under this  
118 subdivision;

119 (G) Logs or other documents that contain information on the  
120 movement or assignment of inmates or staff at correctional institutions  
121 or facilities; and

122 (H) Records that contain information on contacts between inmates,  
123 as defined in section 18-84, and law enforcement officers;

124 (19) Records when there are reasonable grounds to believe  
125 disclosure may result in a safety risk, including the risk of harm to any  
126 person, any government-owned or leased institution or facility or any  
127 fixture or appurtenance and equipment attached to, or contained in,  
128 such institution or facility, except that such records shall be disclosed  
129 to a law enforcement agency upon the request of the law enforcement  
130 agency. Such reasonable grounds shall be determined (A) with respect  
131 to records concerning any executive branch agency of the state or any  
132 municipal, district or regional agency, by the Commissioner of Public  
133 Works, after consultation with the chief executive officer of the agency;  
134 (B) with respect to records concerning the Judicial Department,  
135 [facilities,] by the Chief Court Administrator; and (C) with respect to

136 records concerning the Legislative Department, by the executive  
137 director of the Joint Committee on Legislative Management. As used in  
138 this section, "government-owned or leased institution or facility"  
139 includes, but is not limited to, an institution or facility owned or leased  
140 by a public service company, as defined in section 16-1, as amended, a  
141 certified telecommunications provider, as defined in section 16-1, as  
142 amended, a water company, as defined in section 25-32a, or a  
143 municipal utility that furnishes electric, gas or water service, but does  
144 not include an institution or facility owned or leased by the federal  
145 government, and "chief executive officer" includes, but is not limited  
146 to, an agency head, department head, executive director or chief  
147 executive officer. Such records include, but are not limited to:

148 (i) Security manuals or reports;

149 (ii) Engineering and architectural drawings of government-owned  
150 or leased institutions or facilities;

151 (iii) Operational specifications of security systems utilized at any  
152 government-owned or leased institution or facility, except that a  
153 general description of any such security system and the cost and  
154 quality of such system, may be disclosed;

155 (iv) Training manuals prepared for government-owned or leased  
156 institutions or facilities that describe, in any manner, security  
157 procedures, emergency plans or security equipment;

158 (v) Internal security audits of government-owned or leased  
159 institutions or facilities;

160 (vi) Minutes or records of meetings, or portions of such minutes or  
161 records, that contain or reveal information relating to security or other  
162 records otherwise exempt from disclosure under this subdivision;

163 (vii) Logs or other documents that contain information on the  
164 movement or assignment of security personnel at government-owned  
165 or leased institutions or facilities;

166 (viii) Emergency plans and emergency recovery or response plans;  
167 and

168 (ix) With respect to a water company, as defined in section 25-32a,  
169 that provides water service: Vulnerability assessments and risk  
170 management plans, operational plans, portions of water supply plans  
171 submitted pursuant to section 25-32d that contain or reveal  
172 information the disclosure of which may result in a security risk to a  
173 water company, inspection reports, technical specifications and other  
174 materials that depict or specifically describe critical water company  
175 operating facilities, collection and distribution systems or sources of  
176 supply;

177 (20) Records of standards, procedures, processes, software and  
178 codes, not otherwise available to the public, the disclosure of which  
179 would compromise the security or integrity of an information  
180 technology system;

181 (21) The residential, work or school address of any participant in the  
182 address confidentiality program established pursuant to sections 54-  
183 240 to 54-240o, inclusive;

184 (22) The electronic mail address of any person that is obtained by  
185 the Department of Transportation in connection with the  
186 implementation or administration of any plan to inform individuals  
187 about significant highway or railway incidents.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-210(b)

**JUD**      *Joint Favorable*