

Freedom Of Information Commission Statement In Opposition To Proposed Bill No. 6019, An Act Concerning the Disclosure of Certain Municipal Ethics Complaints

House Bill 6019 purports to create a new, permissive exemption in Section 1-210 of the Freedom of Information Act. The proposal would permit records of complaints to municipal ethics commissions, "including information compiled in the investigation thereof" to be withheld by municipal ethics commissions if the investigation resulted in a finding of no probable cause.

The Freedom of Information Commission (FOIC) believes that the records in question are already exempt from disclosure under existing state statute.

Section 1-82a(b), G.S., requires that an ethics investigation conducted prior to a probable cause finding must be confidential, unless the subject of the investigation requests that it be public. It further provides that if the investigation is confidential, the allegations in the complaint and any information related to the complaint shall not be disclosed.

Section 7-148h, G.S., in turn makes clear that §1-82a(b), G.S., is applicable to all municipal ethics boards, commissions, councils, committees or other agencies empowered to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of a town, city, district or borough.

The FOIC believes that the provisions of §1-82a(b) refer to all records compiled during the investigation, including the initial formal complaint. This bill is therefore duplicative of existing state statutes and would unnecessarily create a superfluous exemption in the Freedom of Information Act.

The FOIC urges rejection of this proposal.

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