

**FREEDOM OF INFORMATION COMMISSION
STATEMENT IN SUPPORT OF HOUSE BILL NO. 7001,
AN ACT CONCERNING THE DEFINITION OF "ADMINISTRATIVE
FUNCTIONS" UNDER THE FREEDOM OF INFORMATION ACT**

The Freedom of Information Commission supports House Bill 7001, which would amend Section 1-200 of the Freedom of Information Act to add a definition of the term "Administrative Functions."

The FOI Commission believes that this legislation is essential to greater accessibility and transparency to the judicial system. This proposal follows a sound approach: to amend the definition of administrative functions, thereby carving out those matters that are not part of the adjudication or judicial functions of the courts, and ensuring that such matters will be open to the public. Functions included in the new definition are: the management of the internal institutional machinery of the court system, accounting, personnel, facilities, physical operations, scheduling, recordkeeping, rule-making, and docketing.

A definition is clearly necessary based upon past court precedents. If administrative function is not defined, we will continue on the path that has been traveled for the past three decades. The courts will provide their own definition on a case-by-case basis and will modify it to suit particular needs or concerns in given cases. That hasn't worked very well, as everyone is well aware, particularly following the most recent of those past cases, Clerk v. Freedom of Information Commission, 278 Conn. 28 (2006).

Given the recent furor over lack of access to our judicial system, this bill represents a good approach to greater access and accountability. It provides clear direction, relies upon items that the Court has enunciated in the past and therefore cannot be viewed as overstepping the boundary between administrative and judicial.

The FOIC would like to advise this committee about a possible problem with the proposed language. Although it has not been brought up by anyone before, the term "administrative functions" is used elsewhere in the FOI Act. Section 1-201 of the FOI Act provides that the Division of Criminal Justice shall not be deemed to be a public agency "except in respect to its administrative functions." The way this bill is drafted, it creates a definition of administrative functions that would apply to the Division of Criminal Justice as well. While the same general concepts concerning what would constitute "administrative" would certainly apply to Division of Criminal Justice records, the definition as written is clearly referencing administrative records in the judicial context only and would therefore not make sense as applied to the Division of Criminal Justice. The Commission would be happy to discuss this matter further with members of the committee for further clarification of this point.

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