

**FREEDOM OF INFORMATION COMMISSION
STATEMENT IN OPPOSITION TO SB 204,
AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC RECORDS.**

The purpose of this bill is to provide for the nondisclosure of the residential address of an employee of the Department of Mental Health and Addiction Services (“DMHAS”) who provides direct care to patients.

The commission understands the security concerns that initially led to the enactment of section 1-217 of the General Statutes (part of the FOI Act). That section permitted public agencies not to disclose the home addresses of a clearly defined group of certain “at risk” public officials such as police officers, prosecutors, Department of Correction workers and judges. This bill recognizes the history of 1-217 in that it limits the non-disclosure to the residential addresses of those employees who provide direct care to patients.

While the Commission understands that the application of this bill is limited to those DMHAS employees who provide direct care, it has consistently opposed the enactment of any legislation that would add yet another piecemeal provision to 1-217. In fact, the Freedom of Information (FOI) Commission proposed a bill during this legislative session that would eliminate the inconsistent application of the FOI Act as it relates to the residential addresses of non-elected public officials and employees. The Commission now believes that the burgeoning list of address exclusions in Section 1-217 makes a mockery of the intent of this provision and, in effect, renders it useless and clearly unconstitutional. Thus, for example, the residential addresses of clerk-typists employed by the Commission on Human Rights and Opportunities and the Department of Children and Families are exempt from disclosure, but the addresses of clerk-typists in the Department of Consumer Protection or the Department of Economic and Community Development are not. Consequently, this ad hoc system of identifying employees of different agencies, in fact, is probably unconstitutional on its face because there is no rational basis for differentiating between similar employees in different agencies. The purpose of the FOI Commission’s bill is to provide equity for government employees by exempting the addresses of ALL government employees from disclosure under the FOI Act.

Passage of SB 204 will only exacerbate the problem. The continued haphazard and piecemeal approach to 1-217 has resulted in a statute that the Commission feels needs to be eliminated, not expanded.

This bill should not be acted upon favorably.

Contact: Eric V. Turner, Managing Director and Associate General Counsel; Hank Pawlowski, Legislative Advisor, foi@po.state.ct.us or 860.566.5682.