

**FREEDOM OF INFORMATION COMMISSION STATEMENT  
IN OPPOSITION TO SB 671,  
AN ACT CONCERNING IDENTITY THEFT.**

The stated purpose of this bill is to provide greater protection and remedies with respect to the use and disclosure of personal identifying information. While the purpose of the bill is a worthy one, certain language in the bill has negative implications and is problematical.

This bill provides that: “Any person, entity, agency of the state or political subdivision of the state that causes the *unauthorized disclosure* of an individual’s Social Security number...”, may be liable for damages in a civil action. [Emphasis added]. The bill also provides a remedy to persons who are aggrieved by the unauthorized disclosure of personal identifying information.

From an access standpoint, the use of the term “unauthorized disclosure” is unclear and could have an adverse impact on the very heart of the Freedom of Information (“FOI”) Act, which is aimed at ensuring public access to government records.

While the FOI Commission fully understands the concerns that led to the proposal of this bill, the FOI Commission respectfully requests that the following be considered before amending the law.

At present, the FOI Act authorizes the FOI Commission, upon finding a violation of the FOI Act, to, among other things, require the production or copying of any public record. [See Conn. Gen. Stat. §1-206(2)]. Thus, the statute permits the FOI Commission to determine, on a case-by-case basis, whether to order disclosure of a public document.

This bill could have the unintended consequence of impinging on the public’s right to know. Public agencies might not fully comprehend when disclosure is “authorized” and might deny access to records. Therefore, the FOI Commission respectfully requests that the term “unauthorized disclosure” be narrowly defined in the bill so as to avoid any chilling effect on the FOI Commission and other agencies with respect to the public’s access to public information.

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