

**FREEDOM OF INFORMATION COMMISSION
STATEMENT ON HB 5598**

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC UTILITY CONTROL

The Freedom of Information Commission (FOIC) respectfully requests that the Energy and Technology Committee reconsider the “confidentiality” language of House Bill 5598 in lines 49-52.

While the Commission has no objection to the overall intent of the bill, to modify the DPUC’s regulation of utilities and other entities, we believe that the above-mentioned portion of the proposed legislation runs counter to the intent of the Freedom of Information Act.

The Freedom of Information Act (FOIA) defines all records held by any public agency as public records accessible to everyone unless subject to a particular exemption or exception. The language in lines 49-52 of House Bill 5598 attempts to reverse that basic, fundamental tenet and establish a dangerous precedent.

That paragraph reads: “Proprietary commercial and proprietary financial information of an affiliate provided pursuant to this section shall be confidential and protected by the department, subject to the provisions of section 1-210 of the general statutes.”

The FOIC understands that some of the information referenced in these lines could well be exempt from disclosure under existing law (see Conn. Gen. Stat. § 1-210 (b) (5)). However, it is the agency’s obligation as a public agency to determine if there is a legitimate reason that those records should be withheld from the public. Under the FOIA, the agency could apply any of the exemptions or exceptions specified in the state statutes *after* receiving those records.

At the very least, the language in lines 49-52 should be amended to read, “All information of an affiliate provided pursuant to this section shall be public unless otherwise provided by law.

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