

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL 6511, AN ACT CONCERNING TRANSPARENCY AND
OVERSIGHT OF GASOLINE MARKETS.**

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The Freedom of Information Commission would like to take this opportunity to object to a section in Raised House Bill 6511.

The FOIC feels that it is somewhat ironic that the stated reason for the bill - to require more transparency in the gasoline markets - actually attempts to carve out yet another unnecessary exemption in the state's government transparency law.

The Freedom of Information Act (FOIA) already contains provisions for the issues addressed in Section 5 of Bill 6511. That section declares that "information reported pursuant to section 3 of this act, which shall be maintained by the Office of Policy and Management, shall be considered trade secrets and proprietary and confidential in nature and shall be exempt from disclosure pursuant to chapter 14 of the general statutes, unless such information is aggregate in form and is not attributed to a particular company."

This exception is overly broad and sets the dangerous precedent of allowing a private entity to determine whether or not a public record should be released. The FOIA, in Section 1-210 (b) (5A) and (5B) allows a permissive exemption to public agencies for documents that contain trade secrets as well as documents that contain commercial or financial information given in confidence, not required by statute.

It appears that the documents contemplated in this proposed bill would contain precisely the type of information described in Section 1-210 (b) (5A) and (5B).

This allows the public agency, in this case the Office of Policy and Management (OPM), at its discretion, to withhold from public disclosure documents that contain trade secrets or financial information given in confidence. It is important to make the distinction that OPM makes the decision about the exemption to disclosure, not the entity supplying the records.

The Freedom of Information Commission respectfully submits that this broad exemption is unnecessary and that Section 5 of the bill be stricken.