

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL 6518, 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 Section 1(d) in Raised House Bill 6518.

The FOIC feels that it is ironic that a bill which has a stated purpose of fairness and openness with respect to 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 1 (d) of Bill 6518. That proposed section declares that "records provided pursuant to subsection (c) of this section shall be considered confidential and proprietary trade secret information and shall be held in confidence by the Commissioner of Consumer Protection and the Office of Attorney General and shall not be released to third parties except by court order or with the written consent of the person who kept and maintained such records."

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 agencies, in this case the Commissioner of Consumer Protection and the Office of Attorney General, at their 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 the agencies make 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 1 (d) of the bill be stricken.