

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON RAISED
BILL NO 1154, AN ACT CONCERNING REFERRAL OF CONTESTED CASES AND
SETTLEMENTS TO THE CHIEF HUMAN RIGHTS REFEREE.**

**PRESENTED BY: COLLEEN M. MURPHY, EXECUTIVE DIRECTOR & GENERAL
COUNSEL (860-566-5682)**

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The Freedom of Information Commission would like to take this opportunity to object to the confidentiality provisions in Raised House Bill 1154. The intent of the bill appears to be to (1) expand the types of contested cases human rights referees may adjudicate, and to permit certain agencies to utilize such human rights referees to adjudicate such cases and (2) provide for mediation of contested cases, including discrimination complaints. However, the proposal is unclear, confusing, and contains overly broad confidentiality provisions for certain public records.

Section 3 (b) of the bill contains the following language, which creates a new, mandatory exemption from disclosure for public records: **Any record or information that may disclose the identity of any person involved in such mediation or the recommendations of the human rights referee who conducted the mediation shall not be subject to disclosure pursuant to chapter 14 of the general statutes.**

This broad confidentiality language, and the virtually identical language, contained in Section 4 (e) of the bill, goes against the state's policy that favors disclosure, as codified in the Freedom of Information Act, which defines all records held or used by a public agency to be public records that must be disclosed to the public.

It is not clear why the identities of individuals involved in mediation, in the first instance, should be confidential. Second, it is unclear as to what records these confidentiality provisions would apply. Such language could be interpreted to apply to all records of an investigation that might have been conducted, for example, if such records also disclose the identity of any person involved in the mediation.

Moreover, the language is overly broad in that it does not limit the individuals whose identities would remain confidential. The bill would keep confidential any record or information disclosing the identity of **any person involved in the mediation.**

Finally, it is equally unclear why the recommendations of the human rights referee, a public official authorized to conduct such mediations, should be confidential. Such notions ignore the basic principles of existing state law.

The Freedom of Information Commission respectfully submits that these broad confidentiality provisions are unnecessary and that these portions of the bill be stricken.