

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL 6186, AN ACT PROTECTING THE INTEGRITY OF CONN-OSHA
INVESTIGATIONS**

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The Freedom of Information Commission would like to take this opportunity to comment on RB 6186, An Act Protecting the Integrity of Conn-OSHA Investigations.

The FOI Commission does not oppose the purpose of proposed new subsection (i) of RB 6186. As written, however, the proposed section is imprecise and will not achieve its intended goal of protecting confidential sources and encouraging cooperation in Conn-OSHA investigations. The FOI Commission brings the following concerns to the committee's attention:

- The proposed bill applies to "individuals involved in an occupational safety or health investigation or enforcement activity." To avoid confusion, the statute should expressly state whom the law protects, such as witnesses who provide information on a confidential basis.
- The proposed bill references the federal Freedom of Information Act, 5 USC 552(b)(7)(D), as a guide to the protection to be given to confidential sources in Conn-OSHA investigations. However, that exemption in the federal FOI law is not mandatory and does not apply to state records.
- Since the purpose of the proposed bill is to give parallel protection to confidential sources in Conn-OSHA investigations as are afforded to confidential sources in federal OSHA investigations, pursuant to 29 USC 651 et seq., it would be helpful to know whether 29 USC 651 et seq. explicitly protects such information, and precisely what information the federal statute protects.
- Current FOI law in Connecticut exempts from disclosure any information that is expressly confidential under federal law. If 29 USC 651 expressly protects the confidentiality of sources, then the information is already exempt from disclosure under Connecticut's current FOI Act, and subsection (i) is unnecessary.

The FOI Commission welcomes the opportunity to work with this committee and others to revise this section of the bill so that the new law will accomplish its intended purpose.