



John Salomone
Town Manager

TOWN OF NEWINGTON

120 Cedar Street Newington, Connecticut 06111

Senior and Disabled Center



Dianne Stone
Director

Select Committee on Aging
Public Hearing
March 9, 2010

Testimony in support of H.B. 5278
AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION
ACT

My name is Dianne Stone and I am the Director of the Newington Senior and Disabled Center. I am here today in strong support of HB 5278 AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT and I thank the Select Committee on Aging for raising it.

There are really two issues involved here. The first is whether information about older adults that is collected by Senior Centers should be confidential. I believe that it should. The National Institute of Senior Centers, in their Standards for Accreditation, indicates that it must. The Freedom of Information Commission, in a 1994 decision on this issue agreed. They concluded that "...it is objectively reasonable for the senior citizens using the nutrition and Dial-A-Ride programs to expect that their identities would remain confidential."

The second issue is whether we need a specific exemption in the Freedom of Information Act to protect vulnerable adults. Again, I believe that we do. The majority of Senior Centers in this state are municipally operated and are public agencies according to the Freedom of Information Act. When I talked to fellow senior center Directors about this bill, many expressed that they do not release information about clients without permission as a matter of policy. They were unaware that their records might be subject to the FOIA. Fortunately there have been very few cases that I am aware of that a denied request for information about senior center participants has reached the Freedom of Information Commission. But, there have been cases. One happened to be in Newington.

In 1993 a gentleman asked for a list of the names and addresses of people who attended the Center for meals and who used Dial-A-Ride. He wanted the information because he believed that people who could afford to pay more for their services ought to do that. The Center Director and Town Manager denied his request and he filed a complaint with the Freedom of Information Commission. The case was heard in 1994. The Town of Newington was represented by an

Phone: (860) 665-8778 Fax: (860) 667-5835
srcenter@newingtonct.gov
www.newingtonct.gov

First in State of Connecticut
Fully Accredited by the National Institute of Senior Centers

attorney, at the Town's expense. While several issues were discussed, the Commission ultimately concluded that the Center's records were "similar to that contained in personnel of medical files" and were therefore exempt.

I was not around in 1994. A colleague from a neighboring Center recently told me that the decision changed the way many Centers collected information. Some stopped. Some made sure to collect medical information so that their records would be exempt as personnel or medical records.

A similar case was brought to the FOIC in 1998. That case involved a request for membership records by an individual with an ax to grind at the Wallingford Senior Center. The Center paid \$2,500 in attorney fees. Wallingford is one of the few Centers in the State that is a private not for profit and the Commission correctly determined that they did not meet the criteria to be considered a public agency. The important point though is that the requestor believed that the records should be available to the extent that he filed a complaint.

Flash forward to this past summer. I received a call from a colleague in East Hartford, Michelle Pantaleo. A person had requested a list of her participants. She had consulted with counsel and was told that the records were subject to the Freedom of Information Act and would need to be released. I referred her to the Newington decision from 1994 and her attorney reconsidered his position. Michelle will be testifying today as well.

While it does not happen frequently, there will be further requests for information about our participants. We are currently relying on an oral history of past interpretations of the Freedom of Information Act as it relates to our records. We are relying on municipal attorneys' interpretations of the Freedom of Information Act and their willingness to represent us in hearings. We are relying on our municipalities to finance those hearings. We are relying on these things when the Commission was unequivocal in their decision that our records should be exempt.

The legislature, by adopting this one line addition to the Freedom of Information Act, will codify this decision for the future.

Thank you.

Dianne Stone
dstone@newingtonct.gov
(860) 665-8768