



House of Representatives

General Assembly

File No. 362

February Session, 2010

Substitute House Bill No. 5278

House of Representatives, April 7, 2010

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010*):

4 (b) Nothing in the Freedom of Information Act shall be construed to
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has
7 determined that the public interest in withholding such documents
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to

12 the public which records were compiled in connection with the
13 detection or investigation of crime, if the disclosure of said records
14 would not be in the public interest because it would result in the
15 disclosure of (A) the identity of informants not otherwise known or the
16 identity of witnesses not otherwise known whose safety would be
17 endangered or who would be subject to threat or intimidation if their
18 identity was made known, (B) signed statements of witnesses, (C)
19 information to be used in a prospective law enforcement action if
20 prejudicial to such action, (D) investigatory techniques not otherwise
21 known to the general public, (E) arrest records of a juvenile, which
22 shall also include any investigatory files, concerning the arrest of such
23 juvenile, compiled for law enforcement purposes, (F) the name and
24 address of the victim of a sexual assault under section 53a-70, 53a-70a,
25 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
26 impairing of morals under section 53-21, or of an attempt thereof, or
27 (G) uncorroborated allegations subject to destruction pursuant to
28 section 1-216;

29 (4) Records pertaining to strategy and negotiations with respect to
30 pending claims or pending litigation to which the public agency is a
31 party until such litigation or claim has been finally adjudicated or
32 otherwise settled;

33 (5) (A) Trade secrets, which for purposes of the Freedom of
34 Information Act, are defined as information, including formulas,
35 patterns, compilations, programs, devices, methods, techniques,
36 processes, drawings, cost data, customer lists, film or television scripts
37 or detailed production budgets that (i) derive independent economic
38 value, actual or potential, from not being generally known to, and not
39 being readily ascertainable by proper means by, other persons who can
40 obtain economic value from their disclosure or use, and (ii) are the
41 subject of efforts that are reasonable under the circumstances to
42 maintain secrecy; and

43 (B) Commercial or financial information given in confidence, not
44 required by statute;

45 (6) Test questions, scoring keys and other examination data used to
46 administer a licensing examination, examination for employment or
47 academic examinations;

48 (7) The contents of real estate appraisals, engineering or feasibility
49 estimates and evaluations made for or by an agency relative to the
50 acquisition of property or to prospective public supply and
51 construction contracts, until such time as all of the property has been
52 acquired or all proceedings or transactions have been terminated or
53 abandoned, provided the law of eminent domain shall not be affected
54 by this provision;

55 (8) Statements of personal worth or personal financial data required
56 by a licensing agency and filed by an applicant with such licensing
57 agency to establish the applicant's personal qualification for the
58 license, certificate or permit applied for;

59 (9) Records, reports and statements of strategy or negotiations with
60 respect to collective bargaining;

61 (10) Records, tax returns, reports and statements exempted by
62 federal law or state statutes or communications privileged by the
63 attorney-client relationship;

64 (11) Names or addresses of students enrolled in any public school or
65 college without the consent of each student whose name or address is
66 to be disclosed who is eighteen years of age or older and a parent or
67 guardian of each such student who is younger than eighteen years of
68 age, provided this subdivision shall not be construed as prohibiting the
69 disclosure of the names or addresses of students enrolled in any public
70 school in a regional school district to the board of selectmen or town
71 board of finance, as the case may be, of the town wherein the student
72 resides for the purpose of verifying tuition payments made to such
73 school;

74 (12) Any information obtained by the use of illegal means;

75 (13) Records of an investigation or the name of an employee

76 providing information under the provisions of section 4-61dd or
77 sections 17b-301c to 17b-301g, inclusive;

78 (14) Adoption records and information provided for in sections 45a-
79 746, 45a-750 and 45a-751;

80 (15) Any page of a primary petition, nominating petition,
81 referendum petition or petition for a town meeting submitted under
82 any provision of the general statutes or of any special act, municipal
83 charter or ordinance, until the required processing and certification of
84 such page has been completed by the official or officials charged with
85 such duty after which time disclosure of such page shall be required;

86 (16) Records of complaints, including information compiled in the
87 investigation thereof, brought to a municipal health authority pursuant
88 to chapter 368e or a district department of health pursuant to chapter
89 368f, until such time as the investigation is concluded or thirty days
90 from the date of receipt of the complaint, whichever occurs first;

91 (17) Educational records which are not subject to disclosure under
92 the Family Educational Rights and Privacy Act, 20 USC 1232g;

93 (18) Records, the disclosure of which the Commissioner of
94 Correction, or as it applies to Whiting Forensic Division facilities of the
95 Connecticut Valley Hospital, the Commissioner of Mental Health and
96 Addiction Services, has reasonable grounds to believe may result in a
97 safety risk, including the risk of harm to any person or the risk of an
98 escape from, or a disorder in, a correctional institution or facility under
99 the supervision of the Department of Correction or Whiting Forensic
100 Division facilities. Such records shall include, but are not limited to:

101 (A) Security manuals, including emergency plans contained or
102 referred to in such security manuals;

103 (B) Engineering and architectural drawings of correctional
104 institutions or facilities or Whiting Forensic Division facilities;

105 (C) Operational specifications of security systems utilized by the

106 Department of Correction at any correctional institution or facility or
107 Whiting Forensic Division facilities, except that a general description
108 of any such security system and the cost and quality of such system
109 may be disclosed;

110 (D) Training manuals prepared for correctional institutions and
111 facilities or Whiting Forensic Division facilities that describe, in any
112 manner, security procedures, emergency plans or security equipment;

113 (E) Internal security audits of correctional institutions and facilities
114 or Whiting Forensic Division facilities;

115 (F) Minutes or recordings of staff meetings of the Department of
116 Correction or Whiting Forensic Division facilities, or portions of such
117 minutes or recordings, that contain or reveal information relating to
118 security or other records otherwise exempt from disclosure under this
119 subdivision;

120 (G) Logs or other documents that contain information on the
121 movement or assignment of inmates or staff at correctional institutions
122 or facilities; and

123 (H) Records that contain information on contacts between inmates,
124 as defined in section 18-84, and law enforcement officers;

125 (19) Records when there are reasonable grounds to believe
126 disclosure may result in a safety risk, including the risk of harm to any
127 person, any government-owned or leased institution or facility or any
128 fixture or appurtenance and equipment attached to, or contained in,
129 such institution or facility, except that such records shall be disclosed
130 to a law enforcement agency upon the request of the law enforcement
131 agency. Such reasonable grounds shall be determined (A) (i) by the
132 Commissioner of Public Works, after consultation with the chief
133 executive officer of an executive branch state agency, with respect to
134 records concerning such agency; and (ii) by the Commissioner of
135 Emergency Management and Homeland Security, after consultation
136 with the chief executive officer of a municipal, district or regional

137 agency, with respect to records concerning such agency; (B) by the
138 Chief Court Administrator with respect to records concerning the
139 Judicial Department; and (C) by the executive director of the Joint
140 Committee on Legislative Management, with respect to records
141 concerning the Legislative Department. As used in this section,
142 "government-owned or leased institution or facility" includes, but is
143 not limited to, an institution or facility owned or leased by a public
144 service company, as defined in section 16-1, a certified
145 telecommunications provider, as defined in section 16-1, a water
146 company, as defined in section 25-32a, or a municipal utility that
147 furnishes electric, gas or water service, but does not include an
148 institution or facility owned or leased by the federal government, and
149 "chief executive officer" includes, but is not limited to, an agency head,
150 department head, executive director or chief executive officer. Such
151 records include, but are not limited to:

152 (i) Security manuals or reports;

153 (ii) Engineering and architectural drawings of government-owned
154 or leased institutions or facilities;

155 (iii) Operational specifications of security systems utilized at any
156 government-owned or leased institution or facility, except that a
157 general description of any such security system and the cost and
158 quality of such system, may be disclosed;

159 (iv) Training manuals prepared for government-owned or leased
160 institutions or facilities that describe, in any manner, security
161 procedures, emergency plans or security equipment;

162 (v) Internal security audits of government-owned or leased
163 institutions or facilities;

164 (vi) Minutes or records of meetings, or portions of such minutes or
165 records, that contain or reveal information relating to security or other
166 records otherwise exempt from disclosure under this subdivision;

167 (vii) Logs or other documents that contain information on the

168 movement or assignment of security personnel;

169 (viii) Emergency plans and emergency preparedness, response,
170 recovery and mitigation plans, including plans provided by a person
171 to a state agency or a local emergency management agency or official;
172 and

173 (ix) With respect to a water company, as defined in section 25-32a,
174 that provides water service: Vulnerability assessments and risk
175 management plans, operational plans, portions of water supply plans
176 submitted pursuant to section 25-32d that contain or reveal
177 information the disclosure of which may result in a security risk to a
178 water company, inspection reports, technical specifications and other
179 materials that depict or specifically describe critical water company
180 operating facilities, collection and distribution systems or sources of
181 supply;

182 (20) Records of standards, procedures, processes, software and
183 codes, not otherwise available to the public, the disclosure of which
184 would compromise the security or integrity of an information
185 technology system;

186 (21) The residential, work or school address of any participant in the
187 address confidentiality program established pursuant to sections 54-
188 240 to 54-240o, inclusive;

189 (22) The electronic mail address of any person that is obtained by
190 the Department of Transportation in connection with the
191 implementation or administration of any plan to inform individuals
192 about significant highway or railway incidents;

193 (23) The name or address of any minor enrolled in any parks and
194 recreation program administered or sponsored by any public agency;

195 (24) Responses to any request for proposals or bid solicitation issued
196 by a public agency or any record or file made by a public agency in
197 connection with the contract award process, until such contract is
198 executed or negotiations for the award of such contract have ended,

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Exempting personal information for people enrolled in senior center programs from the state Freedom of Information provisions has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5278

AN ACT CONCERNING SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT.

SUMMARY:

This bill expands the type of information that is exempt from disclosure under the Freedom of Information Act to include the name, address, telephone number, or email address of anyone who is a member of, or enrolled in a program at, a senior center that a public agency administers or sponsors.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

Select Committee on Aging

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0 (03/11/2010)

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (03/24/2010)