

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Opposition to Raised Bill No. 365, An Act Concerning the Posting of Agency Minutes and Legal Notices on the Internet Web Site of a Municipality.

Monday, March 8, 2010

Senator Slossberg, Representative Spallone, members of the Government Administration and Elections Committee:

My name is Claude Albert. I live in Haddam, and I am the legislative chair of the Connecticut Council on Freedom of Information. I am here today on behalf of CCFOI to oppose a long delay in requiring cities and towns to post agency minutes on their web sites.

As we read this bill, municipalities could, in essence, delay posting agency minutes online until the start of 2012 – almost two years – by simply stating why complying would create a “hardship.” What constitutes a hardship is left undefined. This far-off deadline and vague hardship provision strike us as making it easy for cities and towns so inclined to drag their feet on a public service they should be eager and excited to provide.

Web posting makes it easier for cities and towns to do a better job of keeping their residents informed. We believe that this can be done at low cost and with simple training for municipal employees. The technological hurdles to a practical web site are no longer high. In fact we suspect that posting this information may save municipal employees effort in the long run as requests for photocopies or in-person inspection of records decline.

Posting minutes and other helpful public information online seems to us to be an efficient and powerful tool for civic engagement. Many towns have already worked to comply with the law, and we applaud their commitment to good public policy.

Failure to seize this opportunity to improve government access inevitably suggests questions: Are some towns simply gripped by inertia? Are some reluctant to make this information more available? Or do some fear that it will be glaringly obvious if minutes are missing or poorly done?

If any substantial delay in implementing web posting of agency minutes is to be allowed, we recommend it be considered only for the smallest-population towns.

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Support of Section 2 of Governor's Bill No. 30, An Act Concerning Legislative and Judicial Records and Concerning the Freedom of Information Act Exemption from Disclosure for Preliminary Drafts or Notes

Monday, March 8, 2010

Senator Slossberg, Representative Spallone and members of the Government Administration and Elections Committee:

My name is Claude Albert. I live in Haddam, and I am the legislative chair of the Connecticut Council on Freedom of Information. CCFOI supports the change in the Freedom of Information Act put forward by Governor's Bill No. 30. This change clarifies the obligation of a public agency when it decides whether the public interest favors withholding preliminary notes and drafts over disclosure. We believe that this change makes it clear that individual documents must meet the test for exemption from disclosure and that agencies cannot cite a blanket policy.

We believe this change strengthens public access and is in the public interest.

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Opposition to Raised Bill 5404, An Act Concerning the Nondisclosure of Certain Information Regarding Department of Corrections Employees to Inmates Under the Freedom of Information Act

Monday, March 8, 2010

Senator Slossberg, Representative Spallone and Members of the Government Administration and Elections Committee:

My name is Claude Albert. I live in Haddam, and I am the legislative chair of the Connecticut Council on Freedom of Information. I am here today on behalf of CCFOI to oppose Bill 5404.

We understand that the Department of Corrections is proposing this exception to the Freedom of Information Act because it believes that allowing inmates access to any information from personnel or unspecified "similar" files presents a security risk to its employees or to the good order of its institutions.

We at CCFOI certainly recognize the very difficult and hazardous job done by corrections personnel and the need to be scrupulous in safeguarding their safety.

We also understand, however, that present law already provides exemptions for personal privacy, medical files and the home addresses of corrections personnel. In addition, present law allows DOC to withhold information whenever it has reasonable grounds to believe that its release will jeopardize security.

Presently exempt from disclosure are "Records, the disclosure of which the Commissioner of Correction, or as it applies to Whiting Forensic Division facilities of the Connecticut Valley Hospital, the Commissioner of Mental Health and Addiction Services, has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction or Whiting Forensic Division facilities."

Current law thus seems to provide for the withholding of information that legitimately threatens security but still allow for the release of information about prison conditions that is of genuine public interest. That seems to us to strike a reasonable balance. We also believe that the Freedom of Information Commission is the proper arbiter of that balance and has a record of applying the law thoughtfully.

For example, in a case in which the FOIC ordered the release of information about the disposition of criminal cases against some DOC employees, the FOIC ruled that the names of those employees and identifying information could be withheld. We

also understand that fewer than a dozen information requests of the type targeted by this bill have been appealed to the FOIC since 2006.

Corrections is a department with a difficult mission that has entitled it to expansive exemptions from the Freedom of Information Act. The nature of its work undoubtedly makes many of these exemptions prudent.

But before enacting the blanket ban this bill proposes, we would urge the committee to examine closely the protections in present law, the way the FOIC has so far handled the requests at issue, what kind of information has been ordered disclosed and whether serious security problems would actually be likely as a result of the FOIC rulings. A more targeted change to the law could be offered if it proved necessary.