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**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL NO. 5255,
AN ACT CONCERNING MUNICIPAL MANDATE RELIEF**

March 10, 2010

The Freedom of Information (FOI) Commission understands that the Planning and Development Committee may be considering substitute language to Raised Bill No. 5255, to exempt public agencies from complying with the web posting of minutes requirements set forth in Section 1-225 of the FOI Act. The Commission believes that a provision completely repealing these posting requirements is unnecessary and ill-advised. Such a legislative proposal ignores the simple fact that we as a society are becoming more and more accustomed to getting critical information on the Internet.

A year ago, similar proposals were considered in the wake of the passage of Public Act 08-03. That law, creating the requirement that all public agencies post minutes and some meeting notices on their websites, caused tremendous consternation in many corners of the state, especially in some of Connecticut's smaller cities and towns which claimed they lacked the resources to comply. That outcry led several entities, including the FOI Commission, members of the Government Administration and Elections Committee, representatives of the Connecticut Conference of Municipalities and the Council of Small Towns to meet to try to clarify some of the provisions of the new law. The end result in the 2009 session was SB 772, which was palatable to many of the concerned parties but did not win legislative approval.

In the months since the initial outcry over PA 08-03, many towns that have worked to comply have contacted the Commission and said that their workloads have diminished because more people are using the websites and are not calling or visiting offices for agendas, notices and minutes.

In addition, of the 12-15 towns that either shut down or threatened to shut down their websites after this new law took effect, only two are without websites. There also was concern expressed that the new law would trigger a flood of complaints about website postings. Since October 1, 2008, the FOI Commission has logged in more than 1,000 complaints and no more than 10 have had a website component to them (only three have actually been adjudicated, the others have been resolved). Perhaps, the law is working as intended.

The FOI Commission respectfully submits that there could be other, more effective ways to address any concerns, including financial, regarding the website posting requirements rather than completely eliminating such requirements and thereby taking a step backwards in government transparency.

As always, the Commission welcomes the opportunity to continue to work with this committee and others to provide the access to government that the FOI Act is intended to create.

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