

Freedom of Information Commission's
Statement before the Select Committee on Aging
March 9, 2010

Senator Prague, Representative Serra, Members of the Committee,
My name is Kathleen Ross, I am an attorney with the Freedom of Information Commission

The Commission submitted written testimony so I won't read that to you but I am here to tell the Committee that the Freedom of Information Commission opposes House Bill 5278 for three reasons:

First, although the purpose of this bill is presumably to protect members of senior centers from solicitors, we do not believe that this bill will accomplish this purpose. Today, we live in the information age, dominated by computers and databases where all kinds of information is collected, available to, and shared by, anyone and everyone. The use of computers and the internet has truly changed our society to the point where information formerly considered "private" cannot really be considered that way anymore. In addition, every time someone signs up for a card at Stop and Shop or CVS to receive discounts, that person's personal information is put into a database and purchases made at those stores are tracked. I believe that those data bases are sold and shared among private companies all the time. So, the information is out there, and we don't think HB 5278 will make the problem of solicitors go away.

Second, removing these lists from the FOI Act's disclosure requirement might actually result in depriving seniors of good and valuable information. Information about advances in new medications from a pharmaceutical company, information about better insurance plans from an insurer, and information about a new housing development for active seniors from a builder, are just 3 examples of "good" information that the seniors might miss out on if these lists are not publically available.

Third, the Freedom of Information Commission opposes any chipping away of the public's right to know under the FOI Act. There is a public interest in knowing, for example, that those registered for senior programs, are legitimately registered in that they meet residency and/or age requirements. I think it's important to keep in mind that seniors are members of the public as well, and if this bill becomes law, seniors, too, may be denied access to these records. If these records are not publically available, the open government policy underlying the FOI Act is diminished.

In summary, the Commission believes that while the intent behind House Bill 5278 is laudable, it will not cure the problem of pushy solicitors, but will impede upon the public's legitimate right to know.