

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON  
RAISED BILL 5122, AN ACT ESTABLISHING A PAINT STEWARDSHIP  
PILOT PROGRAM.**

**March 1, 2010**

The Freedom of Information Commission would like to take this opportunity to object to Section 2(f)(7) in Raised House Bill 5122.

The FOIC feels that this bill, clearly aimed at improving the environment is laudable. Unfortunately, the laudable purpose of this bill is greatly hampered by the fact that it also contains a broad secrecy provision and attempts to carve out yet another unnecessary exception to the state's government transparency law.

Section 2(f)(7) of RB 5122, requires the production of, and submission to the Department of Environmental Protection, a report about the collection of data concerning the paint stewardship program, established under the bill. It then declares that "Any data contained in such report shall not be subject to disclosure pursuant to chapter 14 of the general statutes provided the Commissioner of Environmental Protection may release a summary form of such data that does not identify individual manufacturers, distributors or retailers, or any other characteristics that could uniquely identify an individual manufacturer, distributor or retailer."

It is unclear why the data contained in such report needs to be shielded from public disclosure at all. If there is a concern that particularized proprietary information about individual manufacturers, distributors or retailers would be disclosed, the FOI Act already contains exemptions to disclosure for proprietary information. Section 1-210(b)(5)(A) and (B) permit public agencies to withhold documents that contain trade secrets as well as documents that contain commercial or financial information given in confidence, not required by statute.

Current law allows public agencies, in this case the Commissioner of Environmental Protection, at his discretion, to withhold from public disclosure documents that contain trade secrets or financial information given in confidence. It is important to make the distinction that under current law, public agencies make the decision about the application of the exemption to disclosure, not the entity or entities supplying the information contained in the records to the public agencies.

The Freedom of Information Commission respectfully submits that this broad exemption is unnecessary and requests that Section 2(f)(7) of the bill be stricken.

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