

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

In Opposition to Provisions of Senate No. 1009, An Act Creating an Office of Public Accountability.

Monday, March 7, 2011

Sen. Slossberg, Rep. Morin and members of the Government Administration and Elections Committee:

My name is Claude Albert, and I am the legislative chair of the Connecticut Council on Freedom of Information, an organization committed to furthering government transparency and accountability. We strongly oppose the proposed merger of the state Freedom of Information Commission (FOIC) with four other state watchdog agencies.

If any executive branch agency can make a compelling case for independence from the rest of the state bureaucracy, the Freedom of Information Commission is the one. It polices one of the public's most important rights – the ability to know what its government is doing. It is the court of appeals for ordinary citizens who believe they have been denied proper access to public meetings and documents. Like the courts, the FOIC must not only BE independent and above reproach, it must be SEEN to be so.

CCFOI opposes the proposed merger for reasons of both principle and economy.

First, it will create an unacceptable conflict of interest every time the Freedom of Information Commission is asked to rule on an appeal involving colleagues in the new consolidated department. The other agencies that would be part of the merger all have critical governmental oversight functions and are the custodians of a mix of public and confidential records. Those facts both raise the public's stake in maximizing transparency and put a premium on the perceived integrity of any decisions that shield documents from disclosure. Placing the FOIC and the other agencies under common leadership can't help but create the perception of a conflict damaging the FOIC's credibility.

We also believe the merger would diminish the buffer wisely placed between the FOIC and the political process. Currently the professional staff, including the executive director, answers to the commission itself and can only be removed for good cause. The proposed bill would put a political appointee in charge of the FOIC staff. This mistake would be compounded by the control the bill would give the governor's office over the FOIC budget. The legislature currently has direct oversight of the FOIC budget, a system that insulates the agency from budgetary retaliation for rulings that displease a particular administration.

CCFOI is also skeptical that the merger would produce the meaningful savings that are its presumed rationale. The FOIC is a small agency without the multiple layers of management that characterize massive departments. In fact, we suspect the new, more complex department would bring a new layer of expensive top management and infrastructure changes that would actually add to the public tax burden.

We believe that efficiency and accountability in government are best served by public transparency that exposes waste and poor performance. Transparency, in turn, is best furthered by an independent Freedom of Information Commission whose credibility, stature and authority are clear.

The Connecticut FOIC is widely admired around the country, and indeed beyond, for its independence and its ability to reach and enforce sound judgments. Its creation was a bold and visionary act of leadership by Gov. Ella Grasso and this legislature. In adopting the Freedom of Information Act, the legislature declared in a preamble “that secrecy in government is inherently inconsistent with a true democracy, that the people have a right to be fully informed of the action taken by public agencies in order that they may retain control over the instruments they have created; that the people do not yield their sovereignty to the agencies which serve them; that the people in delegating authority do not give their public servants the right to decide what is good for them to know....”

This merger would be poor public policy that diminishes confidence in government.