

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Government Administration and Elections Committee

Raised Bill No. 943, *An Act Concerning Privileged Communications and the Freedom of Information Act*

March 21, 2011

Good morning, Senator Slossberg, Representative Morin and members of the Government Administration and Elections Committee. I am Leo Arnone, Commissioner of the Department of Correction.

The Department supports Raised Bill No. 943, *An Act Concerning Privileged Communications and the Freedom of Information Commission*. The Freedom of Information Commission currently permits agencies to withhold the following records (among others) "[r]ecords, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship." The proposed provisions in Raised Bill No. 943 would add specific exemptions into the Freedom of Information Act for various common law privileges. The kinds of records being considered by the bill as exempt --communications privileged by marital relationship, clergy-penitent relationship, doctor-patient relationship, therapist-patient relationship-- are the kind of information in which the courts have long recognized a privacy interest. The types of information privileged by those privileges are a lot less common in state documents. It is certainly possible that the Freedom of Information Commission would deem them *not* to be exempt if they are not codified by state or federal law.

Thank you for your consideration of the Department's views on Raised Bill No. 943.