



General Assembly

January Session, 2011

**Raised Bill No. 943**

LCO No. 3131

\*03131\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

**AN ACT CONCERNING PRIVILEGED COMMUNICATIONS AND THE FREEDOM OF INFORMATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2011*):

4 (b) Nothing in the Freedom of Information Act shall be construed to  
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has  
7 determined that the public interest in withholding such documents  
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of  
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to  
12 the public which records were compiled in connection with the  
13 detection or investigation of crime, if the disclosure of said records

14 would not be in the public interest because it would result in the  
15 disclosure of (A) the identity of informants not otherwise known or the  
16 identity of witnesses not otherwise known whose safety would be  
17 endangered or who would be subject to threat or intimidation if their  
18 identity was made known, (B) signed statements of witnesses, (C)  
19 information to be used in a prospective law enforcement action if  
20 prejudicial to such action, (D) investigatory techniques not otherwise  
21 known to the general public, (E) arrest records of a juvenile, which  
22 shall also include any investigatory files, concerning the arrest of such  
23 juvenile, compiled for law enforcement purposes, (F) the name and  
24 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
25 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
26 impairing of morals under section 53-21, or of an attempt thereof, or  
27 (G) uncorroborated allegations subject to destruction pursuant to  
28 section 1-216;

29 (4) Records pertaining to strategy and negotiations with respect to  
30 pending claims or pending litigation to which the public agency is a  
31 party until such litigation or claim has been finally adjudicated or  
32 otherwise settled;

33 (5) (A) Trade secrets, which for purposes of the Freedom of  
34 Information Act, are defined as information, including formulas,  
35 patterns, compilations, programs, devices, methods, techniques,  
36 processes, drawings, cost data, customer lists, film or television scripts  
37 or detailed production budgets that (i) derive independent economic  
38 value, actual or potential, from not being generally known to, and not  
39 being readily ascertainable by proper means by, other persons who can  
40 obtain economic value from their disclosure or use, and (ii) are the  
41 subject of efforts that are reasonable under the circumstances to  
42 maintain secrecy; and

43 (B) Commercial or financial information given in confidence, not  
44 required by statute;

45 (6) Test questions, scoring keys and other examination data used to

46 administer a licensing examination, examination for employment or  
47 academic examinations;

48 (7) The contents of real estate appraisals, engineering or feasibility  
49 estimates and evaluations made for or by an agency relative to the  
50 acquisition of property or to prospective public supply and  
51 construction contracts, until such time as all of the property has been  
52 acquired or all proceedings or transactions have been terminated or  
53 abandoned, provided the law of eminent domain shall not be affected  
54 by this provision;

55 (8) Statements of personal worth or personal financial data required  
56 by a licensing agency and filed by an applicant with such licensing  
57 agency to establish the applicant's personal qualification for the  
58 license, certificate or permit applied for;

59 (9) Records, reports and statements of strategy or negotiations with  
60 respect to collective bargaining;

61 (10) Records, tax returns, reports and statements exempted by  
62 federal law or [state] the general statutes or communications  
63 privileged by the attorney-client relationship, marital relationship,  
64 clergy-penitent relationship, doctor-patient relationship, therapist-  
65 patient relationship or any other privilege established by the common  
66 law or the general statutes;

67 (11) Names or addresses of students enrolled in any public school or  
68 college without the consent of each student whose name or address is  
69 to be disclosed who is eighteen years of age or older and a parent or  
70 guardian of each such student who is younger than eighteen years of  
71 age, provided this subdivision shall not be construed as prohibiting the  
72 disclosure of the names or addresses of students enrolled in any public  
73 school in a regional school district to the board of selectmen or town  
74 board of finance, as the case may be, of the town wherein the student  
75 resides for the purpose of verifying tuition payments made to such  
76 school;

77 (12) Any information obtained by the use of illegal means;

78 (13) Records of an investigation or the name of an employee  
79 providing information under the provisions of section 4-61dd or  
80 sections 17b-301c to 17b-301g, inclusive;

81 (14) Adoption records and information provided for in sections 45a-  
82 746, 45a-750 and 45a-751;

83 (15) Any page of a primary petition, nominating petition,  
84 referendum petition or petition for a town meeting submitted under  
85 any provision of the general statutes or of any special act, municipal  
86 charter or ordinance, until the required processing and certification of  
87 such page has been completed by the official or officials charged with  
88 such duty after which time disclosure of such page shall be required;

89 (16) Records of complaints, including information compiled in the  
90 investigation thereof, brought to a municipal health authority pursuant  
91 to chapter 368e or a district department of health pursuant to chapter  
92 368f, until such time as the investigation is concluded or thirty days  
93 from the date of receipt of the complaint, whichever occurs first;

94 (17) Educational records which are not subject to disclosure under  
95 the Family Educational Rights and Privacy Act, 20 USC 1232g;

96 (18) Records, the disclosure of which the Commissioner of  
97 Correction, or as it applies to Whiting Forensic Division facilities of the  
98 Connecticut Valley Hospital, the Commissioner of Mental Health and  
99 Addiction Services, has reasonable grounds to believe may result in a  
100 safety risk, including the risk of harm to any person or the risk of an  
101 escape from, or a disorder in, a correctional institution or facility under  
102 the supervision of the Department of Correction or Whiting Forensic  
103 Division facilities. Such records shall include, but are not limited to:

104 (A) Security manuals, including emergency plans contained or  
105 referred to in such security manuals;

106 (B) Engineering and architectural drawings of correctional  
107 institutions or facilities or Whiting Forensic Division facilities;

108 (C) Operational specifications of security systems utilized by the  
109 Department of Correction at any correctional institution or facility or  
110 Whiting Forensic Division facilities, except that a general description  
111 of any such security system and the cost and quality of such system  
112 may be disclosed;

113 (D) Training manuals prepared for correctional institutions and  
114 facilities or Whiting Forensic Division facilities that describe, in any  
115 manner, security procedures, emergency plans or security equipment;

116 (E) Internal security audits of correctional institutions and facilities  
117 or Whiting Forensic Division facilities;

118 (F) Minutes or recordings of staff meetings of the Department of  
119 Correction or Whiting Forensic Division facilities, or portions of such  
120 minutes or recordings, that contain or reveal information relating to  
121 security or other records otherwise exempt from disclosure under this  
122 subdivision;

123 (G) Logs or other documents that contain information on the  
124 movement or assignment of inmates or staff at correctional institutions  
125 or facilities; and

126 (H) Records that contain information on contacts between inmates,  
127 as defined in section 18-84, and law enforcement officers;

128 (19) Records when there are reasonable grounds to believe  
129 disclosure may result in a safety risk, including the risk of harm to any  
130 person, any government-owned or leased institution or facility or any  
131 fixture or appurtenance and equipment attached to, or contained in,  
132 such institution or facility, except that such records shall be disclosed  
133 to a law enforcement agency upon the request of the law enforcement  
134 agency. Such reasonable grounds shall be determined (A) (i) by the  
135 Commissioner of Public Works, after consultation with the chief

136 executive officer of an executive branch state agency, with respect to  
137 records concerning such agency; and (ii) by the Commissioner of  
138 Emergency Management and Homeland Security, after consultation  
139 with the chief executive officer of a municipal, district or regional  
140 agency, with respect to records concerning such agency; (B) by the  
141 Chief Court Administrator with respect to records concerning the  
142 Judicial Department; and (C) by the executive director of the Joint  
143 Committee on Legislative Management, with respect to records  
144 concerning the Legislative Department. As used in this section,  
145 "government-owned or leased institution or facility" includes, but is  
146 not limited to, an institution or facility owned or leased by a public  
147 service company, as defined in section 16-1, a certified  
148 telecommunications provider, as defined in section 16-1, a water  
149 company, as defined in section 25-32a, or a municipal utility that  
150 furnishes electric, gas or water service, but does not include an  
151 institution or facility owned or leased by the federal government, and  
152 "chief executive officer" includes, but is not limited to, an agency head,  
153 department head, executive director or chief executive officer. Such  
154 records include, but are not limited to:

155 (i) Security manuals or reports;

156 (ii) Engineering and architectural drawings of government-owned  
157 or leased institutions or facilities;

158 (iii) Operational specifications of security systems utilized at any  
159 government-owned or leased institution or facility, except that a  
160 general description of any such security system and the cost and  
161 quality of such system, may be disclosed;

162 (iv) Training manuals prepared for government-owned or leased  
163 institutions or facilities that describe, in any manner, security  
164 procedures, emergency plans or security equipment;

165 (v) Internal security audits of government-owned or leased  
166 institutions or facilities;

167 (vi) Minutes or records of meetings, or portions of such minutes or  
168 records, that contain or reveal information relating to security or other  
169 records otherwise exempt from disclosure under this subdivision;

170 (vii) Logs or other documents that contain information on the  
171 movement or assignment of security personnel;

172 (viii) Emergency plans and emergency preparedness, response,  
173 recovery and mitigation plans, including plans provided by a person  
174 to a state agency or a local emergency management agency or official;  
175 and

176 (ix) With respect to a water company, as defined in section 25-32a,  
177 that provides water service: Vulnerability assessments and risk  
178 management plans, operational plans, portions of water supply plans  
179 submitted pursuant to section 25-32d that contain or reveal  
180 information the disclosure of which may result in a security risk to a  
181 water company, inspection reports, technical specifications and other  
182 materials that depict or specifically describe critical water company  
183 operating facilities, collection and distribution systems or sources of  
184 supply;

185 (20) Records of standards, procedures, processes, software and  
186 codes, not otherwise available to the public, the disclosure of which  
187 would compromise the security or integrity of an information  
188 technology system;

189 (21) The residential, work or school address of any participant in the  
190 address confidentiality program established pursuant to sections 54-  
191 240 to 54-240o, inclusive;

192 (22) The electronic mail address of any person that is obtained by  
193 the Department of Transportation in connection with the  
194 implementation or administration of any plan to inform individuals  
195 about significant highway or railway incidents;

196 (23) The name or address of any minor enrolled in any parks and

197 recreation program administered or sponsored by any public agency;

198 (24) Responses to any request for proposals or bid solicitation issued  
199 by a public agency or any record or file made by a public agency in  
200 connection with the contract award process, until such contract is  
201 executed or negotiations for the award of such contract have ended,  
202 whichever occurs earlier, provided the chief executive officer of such  
203 public agency certifies that the public interest in the disclosure of such  
204 responses, record or file is outweighed by the public interest in the  
205 confidentiality of such responses, record or file; and

206 (25) The name, address, telephone number or electronic mail  
207 address of any person enrolled in any senior center program or any  
208 member of a senior center administered or sponsored by any public  
209 agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	1-210(b)

**Statement of Purpose:**

To expand the current exemptions from disclosure under the Freedom of Information Act to include privileged communications.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*