



OLR RESEARCH REPORT

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QUESTIONS FOR FREEDOM ON INFORMATION COMMISSION MEMBER NOMINEE

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FREEDOM OF INFORMATION COMMISSION (CGS § 1-205)

- The Freedom of Information Commission (FOIC) consists of five members appointed by the governor for four-year, staggered terms. No more than three may be from the same political party. Either chamber of the General Assembly confirms.
- The commission staff is composed of (1) an executive director and general counsel, (2) a managing director and associate general counsel, and (3) other staff as the executive director deems necessary.
- The commission reviews complaints of Freedom of Information Act (FOIA) violations and ensures that the public has access to government records and notice of public meetings.
- It can investigate allegations and, among other things, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses.
- The commission must conduct annual training sessions, together with the Department of Information Technology, to educate state employees about FOIA.

QUESTIONS FOR THE NOMINEE

1. Given the current fiscal climate, what is the commission doing to reduce costs and improve its services? Similarly, what is the commission doing to help agencies reduce the cost of complying with FOIA?
2. How does the commission measure and evaluate performance? How does its current performance compare to its performance one year ago? Five years ago?
3. The governor has proposed consolidating the FOIC and other watchdog agencies (i.e., the State Contracting Standards Board, State Elections Enforcement Commission, and Judicial Review Council) into a new Office of Governmental Accountability (SB 1009). What are your thoughts on this proposal? How would such a consolidation affect FOIA administration?
4. FOIA exempts from disclosure personnel, medical, or similar files if disclosure would constitute an invasion of personal privacy. Should this exemption apply only to the person who is the subject of a record, or could it also apply to others (i.e., family members) whose privacy might be invaded by disclosing the record?
5. PA 10-58 (sHB 5404) exempts from disclosure under FOIA personnel, medical, or similar files about current or former employees of the (1) Department of Correction (DOC), including members and employees of the Board of Pardons and Paroles, and (2) Department of Mental Health and Addiction Services to people in DOC custody or supervision or confined in a facility of the Whiting Forensic Division of Connecticut Valley Hospital. The exemption includes records of (1) the departments' security investigations of such employees and (2) investigations of discrimination complaints by or against the employees. The FOIC opposed the bill. Why?
6. How can frivolous or abusive FOIA requests be addressed without restricting access to public records for everyone else?

7. Under FOIA, certain employees' addresses are exempt from disclosure, but the addresses may be obtained from other records, such as land or voter registration records. How can these addresses be protected without creating additional administrative burdens?
8. There are more than two dozen FOIA exemptions under CGS § 1-210(b), and others exist throughout the General Statutes. What are your thoughts on revising FOIA to consolidate these exemptions?
9. The commission hears complaints of alleged FOIA violations in the order that they are received, unless the executive director makes a decision to do otherwise and the commission approves. What circumstances necessitate expedited proceedings?
10. Do you think that the commission's standard procedure for hearing complaints can be improved? If so, in what ways?
11. How many complaints does the commission receive annually? Is it hearing complaints in accordance with the statutory timeframe of within one year or is there a backlog?

KS/TA:ts