

Testimony of Kia F. Murrell
Associate Counsel, CBIA
Before the Judiciary Committee
Hartford, CT
March 14, 2012

**H.B. 5431 AAC The Confidentiality of Information Obtained by the Attorney
General During the Course of Antitrust Investigations**

Senator Coleman, Representative Fox and other members of the Committee, my name is Kia Murrell and I am Associate Counsel at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, but most of our members are small businesses of 50 or fewer employees.

CBIA opposes HB 5431 because it would erode the protection and confidentiality of information produced by businesses in the course of antitrust investigations.

HB 5431 amends the Connecticut Antitrust Act by requiring that any and all documents used by the Attorney General (AG) in connection with an antitrust investigation to be further used by that office in connection with other actions such as the taking of oral testimony pursuant to an investigation. Although the sponsors of the bill seek to limit the possible use of the information obtained, this legislation would provide the Attorney General with unbridled access to information that can be potentially be used and misappropriated for matters unrelated to the original purpose of providing the information. That potential risk for Connecticut companies is too much to bear and could ultimately harm the companies involved in investigations.

In Brown & Brown v. Blumenthal, the Connecticut Supreme Court held that information obtained by the Attorney General in connection with an investigation must remain confidential. Unfortunately, this means that the AG may not be able to use such information for other, legitimate purposes. While we understand that plight, we are more concerned with maintaining the sanctity and confidentiality of information obtained and used in the course of antitrust investigations. The confidentiality of information is central to maintaining public confidence in the integrity of the law enforcement system.

For that reason we oppose this bill but we welcome a dialogue with the legislature and the AG to reach a result that is fair and balanced for all.

We urge you to reject HB 5431.