

**FREEDOM OF INFORMATION COMMISSION STATEMENT
ON SB 204, AN ACT REQUIRING MARKETING CONTRACTS INVOLVING PUBLIC
INSTITUTIONS OF HIGHER EDUCATION TO BE SUBJECT TO DISCLOSURE
UNDER THE FREEDOM OF INFORMATION ACT**

February 14, 2013

The Freedom of Information Commission (FOIC) submits this statement in strong support of Proposed Bill 204, which would increase the transparency of marketing contracts made on behalf of public institutions of higher learning.

This bill would close an unfortunate loophole that now shields from public scrutiny some deals that are struck between private organizations and agents of our public universities. By channeling the marketing deals through a private third-party, a public university can avoid the disclosure requirements of the FOI Act and effectively hide the details of the deal.

Currently, nothing requires that the terms of these contracts be disclosed to the public. Although the contracts directly impact a public organization and were made on the public's behalf, they are beyond the reach of the FOI Act. Proposed Bill 204 stops such end runs around public access. Subjecting the marketing contracts to disclosure under the FOI Act ensures necessary transparency while still permitting legitimate exemptions from disclosure to protect disclosure of trade secrets and certain commercial information.

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