

**FREEDOM OF INFORMATION COMMISSION STATEMENT ON
HB 6495, AN ACT CONCERNING REVISIONS TO
THE MOTOR VEHICLE STATUTES**

March 8, 2013

The Freedom of Information Commission (FOIC) submits this statement in reference to section 2 of House Bill 6495, which adds the residential address of “ a sworn motor vehicle inspector” to the list of those exempt from disclosure under §1-217 of the FOI Act.

The FOIC respectfully suggests that adding sworn motor vehicle inspectors to the list in Gen. Stat. §1-217 would provide incrementally more protection to such employees, but would not provide the blanket panacea that the bill’s proponents may believe it to be.

Last year, the General Assembly amended Gen. Stat. §1-217 by enacting Public Act 12-3, which is a practical solution to the problems created by §1-217’s absolute ban on disclosure of hundreds of residential addresses of a dozen categories of government workers. As a compromise measure, P.A. 12-3 recognizes the intent to protect certain employees because of the dangerous work they do. Yet it also acknowledges the reality that a complete prohibition on disclosure of certain residential addresses is unworkable and impossible to attain.

Under the amended §1-217, the prohibition against disclosure of residential addresses is subject to several exceptions, including a new provision that land records (Gen. Stat. §7-35bb), voter lists (Title 9), and grand lists (Gen. Stat. §12-55) are no longer subject to the nondisclosure requirements of §1-217. (Gen. Stat. §1-217(d)).

However, employers of protected public employees are prohibited from disclosing the employees’ residential addresses contained in their personnel files. Disclosure is also prohibited 1) where a request “specifically names” a protected person who has requested confidentiality, 2) where the address can be redacted by a “reasonable effort” from a searchable electronic database; or 3) where the agency has voluntarily created a record in response to an FOI request. (Gen. Stat. §1-217(c)(1) and (2)).

Except as detailed in the preceding paragraph, Gen. Stat. §1-217 no longer imposes a blanket ban on disclosure of residential addresses.

The original intent behind Gen. Stat. §1-217 was to afford address confidentiality to certain individuals whose employment put them “at risk.” It should also be noted that no evidence has been presented of any danger faced by sworn motor vehicle inspectors due to the disclosure of their residential addresses. Thus, it is unclear why this class of employees is any more “at risk” than any other class of public employees or why there is a need for this legislation.

Apart from Gen. Stat. §1-217, however, §1-210(b)(2) of the FOIA exempts disclosure of *any* information pertaining to any person, including a residential address, from a personnel, medical, or similar file if disclosure would constitute an invasion of personal privacy.

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