



OLR RESEARCH REPORT

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QUESTIONS FOR FREEDOM ON INFORMATION COMMISSION NOMINEE

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FREEDOM OF INFORMATION COMMISSION (CGS § [1-205](#))

- The Freedom of Information Commission (FOIC) is located within the Office of Government Accountability (OGA) and consists of nine members. The governor appoints five members who serve four-year, staggered terms. The Senate president, House speaker, Senate minority leader, and House minority leader each appoint one member who serves a two-year term. No more than five members 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 Administrative Services, to educate state employees about FOIA.

QUESTIONS

1. PA 11-48 established OGA to provide consolidated personnel, payroll, affirmative action, administrative, and business office (“back office”) functions for nine independent state agencies, including FOIC. What are your thoughts on the consolidation?
2. Prior to the consolidation, FOIC and some of the other agencies (now considered OGA divisions) expressed concern about losing their independence. Have the divisions retained an appropriate level of independence? If so, how?
3. The General Assembly is considering two bills that would restrict access to certain death certificates. One (sHB 5421) exempts death certificates of minors from public disclosure for a period of six months after death. The other (sHB 5733) restricts access to the full death certificate of any person who died within the last 100 years and instead requires town clerks to issue a short form certificate to people requesting it. Both bills create exceptions for family members and authorized government agencies, among others. What are your thoughts on these proposals?
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 when others’ (e.g., family members) privacy might be invaded by disclosing the record?
5. There are more than two dozen FOIA exemptions under CGS § [1-210](#) (i.e., public records), and others exist throughout the General Statutes. What are your thoughts on revising FOIA to consolidate these exemptions?
6. How can frivolous or abusive FOIA requests be addressed without restricting access to public records for everyone else?
7. What protections do private citizens have that public employees will not sell or otherwise unlawfully disclose private information?

8. Privatization of government services is on the rise. How should government maintain transparency and protect the public's right to know in light of this trend?
9. Do you think that the commission's standard procedure for hearing complaints can be improved? If so, in what ways?
10. What are FOIA's major weaknesses and how can they be addressed?
11. Given the current fiscal climate, what should the commission do to reduce costs and improve its services? Similarly, what should it do to help agencies reduce the cost of complying with FOIA?
12. What do you see as the most important short- and long- term goals for the commission?

KS:tjo