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Written Testimony of

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Before the

**Government Administration and Elections Committee**

concerning

AN ACT CONCERNING THE TASK FORCE ON VICTIM PRIVACY AND THE PUBLIC'S RIGHT TO KNOW.

Co-Chair Musto, Co-Chair Jutila, and Members of the Committee, thank you for the opportunity to submit the Connecticut Broadcasters Association's comments on Raised Bill No. 381, concerning amendments to Connecticut's Freedom of Information Act. The Connecticut Broadcasters Association (CBA) membership comprises all of the FCC-licensed broadcast radio and television stations in Connecticut.

The CBA strongly advocates and reaffirms its support for open government and freedom of information in the State of Connecticut. The CBA believes that it is a core principle of American democracy that the people have the right to monitor the activities of their government in order to assure that **all** public officials and workers are carrying out their duties honestly and conscientiously and are not abusing the public trust. In order to do so, the public must be able to see, report on, and discuss public records, which in any case are prepared or gathered by government at the public's expense and on its ultimate authority.

Consequently, the CBA believes that Public Act 13-311, which sealed for the first time images of homicide victims, recordings of responders describing the condition of homicide victims, and the identities of all minor witnesses is bad public policy. Consequently, the best recommendation is to flatly repeal it.

Unfortunately, since its passage nearly 30 years ago, Connecticut's landmark freedom of information law has been subjected to a seemingly-quickening erosion by exemptions, the most notorious of which has been P.A. 13-311. The CBA believes it is past time to begin to reverse that trend. While we would prefer P.A. 13-311's repeal, we believe that, with certain changes, the recommendations of the Task Force on Victim Privacy and the Public's Right to Know, as

embodied in S.B. 381, if adopted, would provide at least some access to government-held information and details that Public Act 13-311 unwisely removed from pubic review, for the professional journalists that this organization represents.

With regard to the changes alluded to, we see two as essential:

(1) It is the Connecticut Freedom of Information Commission's established practice during appeals of refusals to release records to place the burden of proof on the agency that has refused to release the records in contention. It is in the public's interest to continue this practice. Therefore, in Section 2 of S.B. 381, the Legislature should make it explicit that the burden of proof is on the refusing agency, that proving "an unwarranted invasion of personal privacy" is a burden that must carried by clear and convincing evidence, **and** that it be presumed that disclosure of records concerning crimes is in the public interest.

(2) To ease the inconvenience on the public and on public agencies, the Legislature should establish regional repositories where documents subject to P.A. 13-311 would be promptly sent if a member of the public wishing to view them so requests.

Thank you for your consideration and, we hope, positive response to our comments, respectfully submitted today.

CONNECTICUT BROADCASTERS ASSOCIATION, INC.

BY _____
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