

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL 5069, AN ACT CONCERNING LOW WAGE EMPLOYERS**

February 18, 2014

The Freedom of Information Commission takes no position on the merits of Raised Bill 5069, under which certain employers would be required to pay a fee to the Labor Commissioner for employees earning low wages. However, the Commission objects to section (f) of the proposal, which would make confidential all information, forever, obtained pursuant to an investigation by the Attorney General of violations of the fee payment requirements.

Section (f) runs counter to the provisions of the Freedom of Information Act, which defines all records maintained by a public agency as public records, accessible to everyone, unless a particular exemption or exception applies. Under section (f), all information obtained pursuant to an investigation into whether an employer has failed to pay the required fee to the Labor Commissioner or has improperly attempted to avoid its obligations under the law would forever be confidential. The Commission questions why all information, even the names of the employers, should be confidential. This is particularly true when the proposal further permits the Attorney General to bring a civil action in superior court against an employer found to have violated the statutes. Certainly, at the point when a civil action is filed, the information formerly deemed confidential would become public information.

Moreover, the Commission believes that the confidentiality provision in section (f) of the proposal may be redundant. Under current law, an exemption exists for commercial and financial information given in confidence, not required by statute.

At the very least, the Commission respectfully submits that the broad confidentiality language in Raised Bill 5069 be narrowed, to identify the specific information the General Assembly intends to make confidential by this provision, and, further, to include a temporal limitation on the confidentiality requirement.

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