

**FREEDOM OF INFORMATION COMMISSION
STATEMENT IN SUPPORT OF RAISED BILL NO. 6813,
AN ACT REQUIRING TRANSPARENCY OF EXPENDITURES BY THE
HIGHER EDUCATION FOUNDATIONS.**

February 26, 2015

The Freedom of Information Commission supports Raised Bill 6813, which makes higher education foundations, including the UConn Foundation, public agencies subject to the Freedom of Information Act.

The UConn Foundation is the University of Connecticut's primary fund-raising vehicle, soliciting and administering millions of dollars in private gifts for the benefit of UConn.

As its mission indicates, the UConn Foundation clearly serves a public function. The FOI Commission believes that foundations established exclusively to support a public institution should be accountable to the public.

An important reason for the UConn foundation's success is its credibility with the public. This perception of propriety is essential if people are to continue to trust the administration of UConn and the UConn Foundation.

Simply put, we believe that public confidence in higher education foundations cannot be fully achieved if the foundations continue to be shielded from public scrutiny by their exclusion from the definition of public agency and the provisions of the FOI Act.

With respect to §§5 and 6 of the bill, the FOI Commission suggests that an opt-out provision would more precisely accomplish the apparent intent of those sub-sections to shield the identities of donors who wish to remain anonymous. Under an opt-out provision, the foundation would be required to disclose identifying information unless the foundation receives a request for nondisclosure in writing. Disclosure could be easily tailored to the wishes of each donor; for example, some donors may want all their information public, others may want disclosure of only their names, while others may want complete anonymity. It is a simple requirement, similar to other opt-out provisions in the general statutes, but it nevertheless preserves the important presumption of access inherent in the FOI Act.

For these reasons, and with the modification suggested above, the Commission urges the approval of Raised Bill 6813.

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