

**FREEDOM OF INFORMATION COMMISSION
STATEMENT IN SUPPORT OF RAISED BILL 440,
AN ACT REQUIRING THE DISCLOSURE OF CERTAIN RECORDS OF THE
FOUNDATION OF THE UNIVERSITY OF CONNECTICUT**

March 18, 2016

The Freedom of Information (FOI) Commission supports Raised Bill 440, and applauds the effort to provide greater transparency by requiring any foundation that is or has been established for the University of Connecticut to disclose (1) all wages and salaries paid to university staff or faculty; (2) the identity, firm, corporation or other entity donating funds or other things of value to the foundation, unless the donor requests anonymity; and (3) the schedule for any naming right tied to the amount of funds donated. Raised Bill 440 further provides that such information shall be considered a public record, as defined in section 1-200 of the FOI Act.

In addition, the FOI Commission believes that the proposed bill's opt-out provision would accomplish the apparent goal of shielding the identities of donors who wish to remain anonymous. Under the bill's opt-out provision, the foundation would be required to disclose identifying information unless the foundation receives a request for nondisclosure. Disclosure could be easily tailored to the wishes of each donor; for example, some donors may want all of 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, and preserves the important presumption of access inherent in the FOI Act.

Although the FOI Commission is supportive of Raised Bill 440, it believes that the better approach to achieving greater transparency would be to explicitly define any foundation as a public agency, subject to the provisions of the FOI Act. Certain information, of course, could be excluded from mandatory disclosure. The UConn Foundation is the fund-raising vehicle, soliciting and administering millions of dollars in private gifts for the benefit of the University of Connecticut. It is also the recipient of millions of dollars of state money as well to help it operate. Foundations established exclusively to support public institutions should be accountable to the public.

Because Raised Bill 440 provides for greater transparency, the Commission urges its approval.

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