



***GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE***

March 7, 2016

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 96% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

HB 5512 “An Act Authorizing Additional Fees for Municipal Public Records Request for Commercial Purposes”

The bill would authorize a municipality to establish reasonable fees that can be collected from companies that file requests for information from municipal departments that are used for commercial purposes. CCM appreciates the Committee raising the bill as it **would allow municipalities to collect reasonable fees that accurately reflect the actual cost and time necessary to fulfil these types of requests.**

Commercial enterprises – most of whom are not even Connecticut taxpayers, let alone local taxpayers – are making a profit from data developed at local taxpayer's expense. In recent years, **municipalities are often subject to vast public information requests, commonly referred to as “data-mining”.** This information is subsequently sold and used as for-profit. While current statute establishes a nominal fee associated with the copying and scanning of the documents that a municipality can recover for providing the information, for the extensive requests that these commercial companies seek, the current fees do not reflect the time, effort and actual costs associated with providing the documents.

The **intent of the bill is not to discourage requests for information**, but rather a reasonable adjustment due to the emergence of these data-mining companies. Therefore, the bill does include safeguards to ensure it does not negatively impact the Freedom of Information Act or the public's right to know. Specifically, as defined in the bill, **this would not apply to media inquiries, or in preparation or defense of legal claim.** In addition, the bill specifically defines “commercial purpose” to ensure that citizens would not be subject to these fees, but rather the nominal fees already established in statute. In addition, a municipality could require the company affirmatively assert whether or not such data will be used for-profit means.

If a municipality chooses to establish these fees, they would consider the time, materials, equipment and personnel requested to provide the documents in developing those fees. As well, post those costs within Town Hall and on the municipality's website. These considerations would accurately reflect and would be uniformly implemented to all commercial entities that would be subject to this section.

Again, CCM fully appreciates maintaining the public's right to know and compliance with the Freedom of Information Act. However, given these difficult fiscal times, this bill will ensure that towns and cities can recoup costs associated with providing this information. CCM would be happy to work with the Committee and any other entity regarding the specifics of this legislation.

CCM asks the Committee to *favorably report* HB 5512.



If you have any questions, please contact Mike Muszynski, Advocacy Manager of CCM at mmuszynski@ccm-ct.org or (203) 500-7556.

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