



QUESTIONS FOR FREEDOM OF INFORMATION COMMISSION NOMINEE

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FREEDOM OF INFORMATION COMMISSION ([CGS §§ 1-205 AND 1-205A](#))

- The Freedom of Information Commission (FOIC) consists of nine members and is located within the Office of Governmental Accountability (OGA); it has independent decision-making authority. The governor appoints five members who serve four-year, staggered terms. The Senate president, House speaker, Senate minority leader, and House minority leader each appoint one member who serves a two-year term. No more than five members may be from the same political party. Either chamber of the General Assembly confirms.
- The commission staff is composed of (1) an executive director and general counsel, (2) a managing director and associate general counsel, and (3) other staff as the executive director deems necessary.
- The commission reviews complaints of Freedom of Information Act (FOIA) violations and ensures that the public has access to government records and notice of public meetings.
- It can investigate allegations and, among other things, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses.
- The commission must conduct annual training sessions, together with the Department of Administrative Services, to educate state employees about FOIA.



QUESTIONS

1. How easy or difficult is it for public agencies to interpret and comply with FOIA? What steps can the commission take to improve compliance?
2. Given the current fiscal climate, what could the commission do to reduce costs and improve its services? Similarly, what could it do to help agencies reduce the cost of complying with FOIA?
3. FOIC is one of nine divisions within OGA, which was established in 2011. What are the benefits of being within OGA? What are the challenges? In what ways could the challenges be addressed?
4. What do you see as the most important short- and long-term goals for the commission?
5. How can frivolous or abusive FOIA requests be addressed without restricting access to public records for everyone else?
6. Last year, the legislature passed PA 15-164, which increased law enforcement agencies' disclosure obligations under FOIA for records relating to a person's arrest. In your opinion, how well have law enforcement agencies complied with the act's requirements? Has the commission received any complaints concerning these requirements?
7. In 2015, the Connecticut Supreme Court ruled that the so-called psychiatric privilege extended to certain records pertaining to Amy Archer Gilligan's treatment at Connecticut Valley Hospital from 1924 to 1962. (The Gilligan case was the basis for the film *Arsenic and Old Lace*.) What are your thoughts on access to records of patients who receive care at public institutions? Should certain records be protected by the psychiatric privilege? What if the patients are deceased?
8. How does FOIA address access to records of non-governmental entities that perform governmental functions (e.g., a non-profit entity that receives state funds to deliver a social service program)? Do you believe that FOIA provides for an appropriate level of disclosure of these functions?
9. Public records often include information provided by private individuals, whether voluntarily or involuntarily. Do you believe that FOIA requires too much disclosure of information concerning private individuals, or does it strike the right balance between their privacy and the public's right to know? Please explain.
10. The Internet has enabled private individuals to publish public records, such as voter registry lists, that may contain sensitive information about other people (e.g., dates of birth). Do you believe that FOIA should be amended to address this practice? Please explain.

11. FOIA was enacted in 1975. Does it sufficiently address the continued growth of e-government and electronic records? What changes, if any, would you recommend to FOIA to address emerging technologies?
12. Public officials increasingly use personal devices (e.g., smartphones) and e-mail accounts to conduct public business. What are your thoughts on this practice? What steps can agencies take to ensure that public records sent to and from these devices and accounts remain available for public inspection?

TA:cmg