

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED HOUSE BILL 7221, AN ACT CONCERNING ACCESS TO
WATER PLANNING INFORMATION.**

March 13, 2017

The Freedom of Information (“FOI”) Commission offers the following comments about Raised Bill 7221, An Act Concerning Access to Water Planning Information.

The FOI Commission supports this attempt to balance the obvious need for transparency and accountability about water supply systems with the need for security and the protection of such vital infrastructures. Raised Bill 7221 takes an important step in that direction.

Raised Bill 7221 amends section 1-210 in the FOI Act. It removes from the exemption in (b)(19) of 1-210 all references to water company records which may have been permissibly exempt from disclosure since 2003. The exemptions were added in the name of security, but many have found that the exemptions were being interpreted far too broadly and that data vital to accurate water planning was being withheld unnecessarily. The bill then adds a new exemption to the FOI Act.

While the FOI Commission does not typically endorse new exemptions, this one, which would be (b)(29) of 1-210, specifies which records water utilities would be permitted to withhold should they fear a security risk if the records were to be released. It would eliminate the broad nature of the exemption as currently structured and give the utilities the ability to protect their infrastructure from legitimate threats.

The list of proposed exempt records is lengthy but includes emergency contingency plans and emergency preparedness plans, cybersecurity plans and measures, supervisory control and data acquisition systems. By specifying what records are now permissibly exempt, the new language also signals that certain records should be in the public domain, including water quality reports, information concerning a water company’s margin of safety and information concerning the amount of available water and safe daily yield.

The Rivers Alliance of Connecticut has been working tirelessly to increase access to water company records and has said that this bill restores the public’s right to know how much water is controlled by water companies, the location and quality of particular water sources, and how much water can be safely moved from one source to another place. The FOI Commission concurs and urges passage of Raised Bill 7221 as written.

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