



General Assembly

January Session, 2017

***Raised Bill No. 7221***

LCO No. 4512



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING ACCESS TO WATER PLANNING INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (19) of subsection (b) of section 1-210 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2017*):

4 (19) Records when there are reasonable grounds to believe  
5 disclosure may result in a safety risk, including the risk of harm to any  
6 person, any government-owned or leased institution or facility or any  
7 fixture or appurtenance and equipment attached to, or contained in,  
8 such institution or facility, except that such records shall be disclosed  
9 to a law enforcement agency upon the request of the law enforcement  
10 agency. Such reasonable grounds shall be determined (A) (i) by the  
11 Commissioner of Administrative Services, after consultation with the  
12 chief executive officer of an executive branch state agency, with respect  
13 to records concerning such agency; and (ii) by the Commissioner of  
14 Emergency Services and Public Protection, after consultation with the  
15 chief executive officer of a municipal, district or regional agency, with

16 respect to records concerning such agency; (B) by the Chief Court  
17 Administrator with respect to records concerning the Judicial  
18 Department; and (C) by the executive director of the Joint Committee  
19 on Legislative Management, with respect to records concerning the  
20 Legislative Department. As used in this section, "government-owned  
21 or leased institution or facility" includes, but is not limited to, an  
22 institution or facility owned or leased by a public service company, as  
23 defined in section 16-1, other than a water company, as defined in  
24 section 16-1, a certified telecommunications provider, as defined in  
25 section 16-1, [a water company, as defined in section 25-32a,] or a  
26 municipal utility that furnishes electric [, gas or water] or gas service,  
27 but does not include an institution or facility owned or leased by the  
28 federal government, and "chief executive officer" includes, but is not  
29 limited to, an agency head, department head, executive director or  
30 chief executive officer. Such records include, but are not limited to:

- 31 (i) Security manuals or reports;
- 32 (ii) Engineering and architectural drawings of government-owned  
33 or leased institutions or facilities;
- 34 (iii) Operational specifications of security systems utilized at any  
35 government-owned or leased institution or facility, except that a  
36 general description of any such security system and the cost and  
37 quality of such system [,] may be disclosed;
- 38 (iv) Training manuals prepared for government-owned or leased  
39 institutions or facilities that describe, in any manner, security  
40 procedures, emergency plans or security equipment;
- 41 (v) Internal security audits of government-owned or leased  
42 institutions or facilities;
- 43 (vi) Minutes or records of meetings, or portions of such minutes or  
44 records, that contain or reveal information relating to security or other  
45 records otherwise exempt from disclosure under this subdivision;

46 (vii) Logs or other documents that contain information on the  
47 movement or assignment of security personnel; and

48 (viii) Emergency plans and emergency preparedness, response,  
49 recovery and mitigation plans, including plans provided by a person  
50 to a state agency or a local emergency management agency or official,  
51 [; and

52 (ix) With respect to a water company, as defined in section 25-32a,  
53 that provides water service: Vulnerability assessments and risk  
54 management plans, operational plans, portions of water supply plans  
55 submitted pursuant to section 25-32d that contain or reveal  
56 information the disclosure of which may result in a security risk to a  
57 water company, inspection reports, technical specifications and other  
58 materials that depict or specifically describe critical water company  
59 operating facilities, collection and distribution systems or sources of  
60 supply;]

61 Sec. 2. Subsection (d) of section 1-210 of the general statutes is  
62 repealed and the following is substituted in lieu thereof (*Effective*  
63 *October 1, 2017*):

64 (d) Whenever a public agency, except the Judicial Department or  
65 Legislative Department, receives a request from any person for  
66 disclosure of any records described in subdivision (19) of subsection  
67 (b) of this section under the Freedom of Information Act, the public  
68 agency shall promptly notify the Commissioner of Administrative  
69 Services or the Commissioner of Emergency Services and Public  
70 Protection, as applicable, of such request, in the manner prescribed by  
71 such commissioner, before complying with the request as required by  
72 the Freedom of Information Act. [and for information related to a  
73 water company, as defined in section 25-32a, the public agency shall  
74 promptly notify the water company before complying with the request  
75 as required by the Freedom of Information Act.] If the commissioner,  
76 after consultation with the chief executive officer of the applicable

77 agency, [or after consultation with the chief executive officer of the  
78 applicable water company for information related to a water company,  
79 as defined in section 25-32a,] believes the requested record is exempt  
80 from disclosure pursuant to subdivision (19) of subsection (b) of this  
81 section, the commissioner may direct the agency to withhold such  
82 record from such person. In any appeal brought under the provisions  
83 of section 1-206 of the Freedom of Information Act for denial of access  
84 to records for any of the reasons described in subdivision (19) of  
85 subsection (b) of this section, such appeal shall be against the chief  
86 executive officer of the executive branch state agency or the municipal,  
87 district or regional agency that issued the directive to withhold such  
88 record pursuant to subdivision (19) of subsection (b) of this section,  
89 exclusively, or, in the case of records concerning Judicial Department  
90 facilities, the Chief Court Administrator or, in the case of records  
91 concerning the Legislative Department, the executive director of the  
92 Joint Committee on Legislative Management.

93 Sec. 3. Subsection (b) of section 1-210 of the general statutes is  
94 amended by adding subdivision (29) as follows (*Effective October 1,*  
95 *2017*):

96 (NEW) (29) With respect to a water company, as defined in section  
97 25-32a of the general statutes, that provides water service, records that  
98 identify, illustrate or describe:

99 (A) Cybersecurity plans and measures, supervisory control and data  
100 acquisition systems, information and communications systems, system  
101 access codes and specifications, vulnerability assessments, internal  
102 security audits, security manuals, security training or security reports,  
103 including, but not limited to, security assessments, plans and  
104 procedures, operational and design specifications of facility security  
105 systems or risk management plans;

106 (B) Emergency contingency plans and emergency preparedness  
107 plans, incident management plans, response, recovery and mitigation

108 plans or critical customer lists, including plans provided by a person to  
109 a state agency or a local emergency management agency or official, or  
110 documents or portions of documents that identify or describe  
111 procedures for sabotage prevention and response;

112 (C) Specific locations, detailed schematics and construction details  
113 of wells, source water intakes, water mains, tunnels, storage facilities,  
114 treatment facilities or pump stations and pressure reducing stations,  
115 and other distribution system pressure and flow control valves and  
116 facilities, provided information regarding general location of water  
117 mains, wells and interconnections shall be subject to disclosure;

118 (D) Dam specifications or dam safety plans;

119 (E) Building floor or structural plans, specifications of structural  
120 elements or building security systems or codes;

121 (F) Detailed network topology maps;

122 (G) Specific locations of or specifications regarding electrical power,  
123 standby generators or fuel systems for water system facilities, except  
124 that general information regarding electrical power, standby  
125 generators or fuel systems for water system facilities may be disclosed;

126 (H) Operational specifications, schematics and procedures of  
127 treatment plant processes and associated equipment and chemicals,  
128 including, but not limited to, facility use of chlorine gas storage and  
129 delivery and the location of chemicals, except that a general  
130 description of any such treatment plant may be disclosed;

131 (I) Logs or other documents that contain information regarding the  
132 movement or assignment of water system facility and security  
133 personnel; or

134 (J) Distribution system hydraulic models.

135 Nothing in this section shall be deemed to provide an exemption for

136 all or any part of a water company record if the water company has  
137 released the information sought in the record, or the type of  
138 information sought in the record, into the public domain after  
139 September 1, 2003.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	1-210(b)(19)
Sec. 2	<i>October 1, 2017</i>	1-210(d)
Sec. 3	<i>October 1, 2017</i>	1-210(b)

**Statement of Purpose:**

To provide access to information that is needed for water planning purposes while adhering to prudent security considerations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*