

Questions for Freedom of Information Commission Nominees

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Freedom of Information Commission (CGS [1-205](#) and [1-205a](#))

- The Freedom of Information Commission (FOIC) consists of nine members. 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 (only the governor's nominees are subject to confirmation).
- 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. [PA 16-3](#), May Special Session, removed FOIC from the Office of Governmental Accountability, where it had been a division with independent decision-making authority. What are the benefits of this change? What are the challenges?
2. How easy or difficult is it for public agencies to interpret and comply with FOIA? What steps can the commission take to improve compliance? How could agencies reduce the cost of compliance?
3. According to the commission, it received 899 complaints in 2015. How challenging is it to resolve these complaints in a timely manner? Are there any steps the commission can take to process them more efficiently?
4. In 2015, the commission resolved 425 complaints through mediation (about 47% of the complaints filed). How does the mediation process work? Are there opportunities to expand its use?
5. What remedies does FOIA provide for public agencies that receive frivolous or abusive FOIA requests? In your opinion, are these remedies sufficient, or should they be expanded? Please explain.
6. This year, a proposed bill ([HB 5354](#)) establishes a \$125 per-complaint fee, refundable under certain conditions, for non-indigent complainants who file two or more complaints with FOIC in a calendar year. What are your thoughts on this proposal?
7. 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.
8. 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.

9. 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?

10. In testimony before the legislature in previous years, FOIC has stated that the FOIA exemption under [CGS § 1-217](#) for the residential addresses of certain parties (e.g., Department of Correction employees) provides “illusory” protection. How is the protection illusory? Are there other steps the legislature could take to protect these parties’ addresses and other personal information?

11. In 2015 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?

12. [PA 16-93](#) required the UConn Foundation to submit several annual informational filings to the legislature but retained the foundation’s exemption from FOIA. In your opinion, should the foundation be subject to FOIA? Why or why not?

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