

# The Freedom of Information Act and Informational Meetings

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## Issue

Does the Freedom of Information Act (FOIA) prohibit a public agency from holding an informational meeting, instead of a regular meeting, after a regular meeting has already been noticed? What if an agency, such as a municipal commission, does not have enough members present for a quorum?

The Office of Legislative Research is not authorized to provide legal opinions, and this report should not be considered one.

## Summary

FOIA recognizes three types of public meetings: regular, special, and emergency. Each must be open to the public unless two-thirds of the members present vote to close it (i.e., go into executive session) ([CGS § 1-225](#)).

According to the Freedom of Information Commission (FOIC), the law does not formally recognize “informational meetings.” For purposes of FOIA, a public agency that properly notices a regular meeting, makes the agenda publicly available at least 24 hours beforehand, and proceeds with the meeting, has complied with the law, even if a quorum is not present. Under FOIA, such a meeting is considered a regular meeting because it falls under the definition of “public meeting” (see below). As such, the agency must create, maintain, and make publicly available minutes within seven days after the meeting.

However, in the absence of a quorum, a public agency, such as a municipal commission, is likely prohibited under its authorizing statute from taking any official action. In addition, according to FOIC, some town charters have provisions prohibiting municipal bodies from meeting without a quorum. A municipal commission that has questions about whether it properly convened a meeting may consider contacting the FOIC or its town attorney.

## **Definition of Meeting under FOIA**

FOIA generally provides that any hearing or other proceeding of a public agency is a “meeting,” as is any gathering of a quorum of a multi-member public agency to discuss or act on any matter over which it has jurisdiction, control, or advisory power. This includes individual encounters among the people who make up a quorum, such as a series of telephone calls or a series of personal meetings. “Meetings” exclude, among other things, personnel search committee meetings to locate executive level employment candidates, unplanned chance or social meetings, collective bargaining strategy and negotiation sessions, or a single-member agency's administrative or staff meetings ([CGS § 1-200 \(2\)](#)).

KS:cmg