



General Assembly

Substitute Bill No. 5177

February Session, 2018



**AN ACT CONCERNING EMPLOYEE NOTIFICATION OF REQUESTS
MADE UNDER THE FREEDOM OF INFORMATION ACT.**

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

1 Section 1. Section 1-214 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) Any contract of employment to which the state or a political
4 subdivision of the state is a party shall be deemed to be a public record
5 for the purposes of section 1-210.

6 (b) (1) Whenever a public agency receives a request to inspect or
7 copy records contained in any of its employees' personnel or medical
8 files and similar files, and the agency reasonably believes that the
9 disclosure of such records would legally constitute an invasion of
10 privacy, the agency shall immediately notify in writing [(1)] (A) each
11 employee concerned, provided such notice shall not be required to be
12 in writing where impractical due to the large number of employees
13 concerned, and [(2)] (B) the collective bargaining representative, if any,
14 of each employee concerned.

15 (2) Whenever a public agency receives a request to inspect or copy
16 records contained in any of its employees' personnel or medical files
17 and similar files, and the agency reasonably believes that the
18 disclosure of such records would not legally constitute an invasion of

19 privacy, the agency shall first disclose the requested records to the
20 person making the request to inspect or copy such records and
21 subsequently, within a reasonable time after such disclosure, make a
22 reasonable attempt to send a written or an electronic copy of the
23 request to inspect or copy such records, if applicable, or a brief
24 description of such request, to each employee concerned and the
25 collective bargaining representative, if any, of each employee
26 concerned.

27 (3) Nothing [herein] in this section shall require an agency to
28 withhold from disclosure the contents of personnel or medical files
29 and similar files when it does not reasonably believe that such
30 disclosure would legally constitute an invasion of personal privacy.

31 (c) A public agency which has provided notice under subdivision
32 (1) of subsection (b) of this section shall disclose the records requested
33 unless it receives a written objection from the employee concerned or
34 the employee's collective bargaining representative, if any, within
35 seven business days from the receipt by the employee or such
36 collective bargaining representative of the notice or, if there is no
37 evidence of receipt of written notice, not later than nine business days
38 from the date the notice is actually mailed, sent, posted or otherwise
39 given. Each objection filed under this subsection shall be on a form
40 prescribed by the public agency, which shall consist of a statement to
41 be signed by the employee or the employee's collective bargaining
42 representative, under the penalties of false statement, that to the best of
43 his knowledge, information and belief there is good ground to support
44 it and that the objection is not interposed for delay. Upon the filing of
45 an objection as provided in this subsection, the agency shall not
46 disclose the requested records unless ordered to do so by the Freedom
47 of Information Commission pursuant to section 1-206. Failure to
48 comply with a request to inspect or copy records under this section
49 shall constitute a denial for the purposes of section 1-206.
50 Notwithstanding any provision of this subsection or subsection (b) of
51 section 1-206 to the contrary, if an employee's collective bargaining

52 representative files a written objection under this subsection, the
53 employee may subsequently approve the disclosure of the records
54 requested by submitting a written notice to the public agency.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2018</i>	1-214
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GAE *Joint Favorable Subst.*