

Petitioning for Relief from Vexatious Requesters Under the Freedom of Information Act

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Issue

Summarize the law authorizing public agencies to petition for relief from vexatious requesters under the state Freedom of Information Act (FOIA).

Summary

In 2018, Connecticut passed a law designed to give public agencies relief from vexatious requesters ([CGS § 1-206 \(b\)](#)). Under this procedure, agencies may petition the Freedom of Information Commission (FOIC) for relief, and the commission must hold a hearing on those petitions its executive director determines warrant one. Relief may include an order that an agency need not comply with future requests from the requester, for a period of up to one year.

The law does not define the term “vexatious requester.” Instead, it outlines alleged conduct that must be included in the agency petition and considered during FOIC’s review process, including the number of requests filed and any pattern of conduct that amounts to an abuse of the right to access information under FOIA or an interference with the agency's operation. (According to the National Freedom of Information Coalition, a nonpartisan nonprofit organization, the term is commonly used to describe repeated filings of frivolous requests.)

Agency Petition

The law authorizes public agencies to petition FOIC for relief from requesters they allege to be vexatious. The petition must be sworn under penalty of false statement and detail the alleged conduct that demonstrates a vexatious history of requests, including:

1. the number of requests filed and pending;
2. the scope of the requests;
3. the requests' nature, content, language, or subject matter and the requester's other oral or written communications to the agency; and
4. a pattern of conduct that amounts to an abuse of the right to access information under FOIA or an interference with the agency's operation.

By law, false statement is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

FOIC Review

Upon receiving a petition, FOIC's executive director must review it and determine whether it warrants a hearing. If the executive director determines that a hearing is not warranted, she must recommend that the commission deny the petition. At its next regular meeting, the commission must vote on the recommendation and after the meeting, it must issue a written explanation of the reasons for accepting or rejecting the recommendation.

If the executive director determines that a hearing is warranted, the law requires the commission to serve all parties, by certified or registered mail, with a copy of the petition and any other FOIC notice or order. After due notice, the commission must hear and either grant or deny the petition within one year after its filing.

Relief

If FOIC grants an agency's petition for relief from a vexatious requester, it may provide appropriate relief commensurate with the conduct. This may include an order that the agency need not comply with future requests from the requester for a specified period of time, up to one year. Separately, if the commission determines after a hearing that a requester has appealed an agency's decision to the commission frivolously, without reasonable grounds, and solely to harass the agency, it may impose a civil penalty of up to \$1,000.

Appeal

Any party aggrieved by FOIC's decision to grant a petition may apply to New Britain Superior Court for an order reversing it. The deadline for doing so is 15 days after the meeting when the commission granted the petition.

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