



Senate

General Assembly

File No. 460

January Session, 2021

Senate Bill No. 1072

Senate, April 14, 2021

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FREEDOM OF INFORMATION.

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

1 Section 1. Section 1-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) Any public agency [which] that maintains public records in a
4 computer storage system shall provide, to any person making a request
5 pursuant to the Freedom of Information Act, a copy of any nonexempt
6 data contained in such records, properly identified, on paper, disk, tape
7 or any other electronic storage device or medium requested by the
8 person, including an electronic copy sent to the electronic mail address
9 of the person making such request, if the agency can reasonably make
10 any such copy or have any such copy made. Except as otherwise
11 provided by [state statute] the general statutes, the cost for providing a
12 copy of such data shall be in accordance with the provisions of section
13 1-212.

14 (b) Except as otherwise provided by [state statute] the general
15 statutes, no public agency shall enter into a contract with, or otherwise

16 obligate itself to, any person if such contract or obligation impairs the
17 right of the public under the Freedom of Information Act to inspect or
18 copy the agency's nonexempt public records existing on-line in, or
19 stored on a device or medium used in connection with, a computer
20 system owned, leased or otherwise used by the agency in the course of
21 its governmental functions.

22 (c) On and after July 1, 1992, before any public agency acquires any
23 computer system, equipment or software to store or retrieve nonexempt
24 public records, it shall consider whether such proposed system,
25 equipment or software adequately provides for the rights of the public
26 under the Freedom of Information Act at the least cost possible to the
27 agency and to persons entitled to access to nonexempt public records
28 under the Freedom of Information Act. In meeting its obligations under
29 this subsection, each state public agency shall consult with the
30 Department of Administrative Services as part of the agency's design
31 analysis prior to acquiring any such computer system, equipment or
32 software. The Department of Administrative Services shall adopt
33 written guidelines to assist municipal agencies in carrying out the
34 purposes of this subsection. Nothing in this subsection shall require an
35 agency to consult with said department prior to acquiring a system,
36 equipment or software or modifying software, if such acquisition or
37 modification is consistent with a design analysis for which such agency
38 has previously consulted with said department. The Department of
39 Administrative Services shall consult with the Freedom of Information
40 Commission on matters relating to access to and disclosure of public
41 records for the purposes of this subsection. The provisions of this
42 subsection shall not apply to software modifications which would not
43 affect the rights of the public under the Freedom of Information Act.

44 Sec. 2. Subsection (c) of section 1-214 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective October*
46 *1, 2021*):

47 (c) A public agency [which] that has provided notice under
48 subdivision (1) of subsection (b) of this section shall disclose the records

49 requested unless it receives a written objection from the employee
50 concerned or the employee's collective bargaining representative, if any,
51 [within] not later than seven business days [from] after the receipt by
52 the employee or such collective bargaining representative of the notice
53 or, if there is no evidence of receipt of written notice, not later than nine
54 business days [from] after the date the notice is actually mailed, sent,
55 posted or otherwise given. Each objection filed under this subsection
56 shall be on a form prescribed by the public agency, which shall consist
57 of a statement to be signed by the employee or the employee's collective
58 bargaining representative, under the penalties of false statement, that to
59 the best of [his] the employee's or representative's knowledge,
60 information and belief there is good ground to support it and that the
61 objection is not interposed for delay. Upon the filing of an objection as
62 provided in this subsection, the agency shall not disclose the requested
63 records unless ordered to do so by the Freedom of Information
64 Commission pursuant to section 1-206. Failure to comply with a request
65 to inspect or copy records under this section shall constitute a denial for
66 the purposes of section 1-206. Notwithstanding any provision of this
67 subsection or subsection (b) of section 1-206 to the contrary, if an
68 employee's collective bargaining representative files a written objection
69 under this subsection, the employee may subsequently approve the
70 disclosure of the records requested by submitting a written notice to the
71 public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	1-211
Sec. 2	<i>October 1, 2021</i>	1-214(c)

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

This bill, which makes technical changes to the Freedom of Information Act, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None



OLR Bill Analysis

SB 1072

AN ACT CONCERNING FREEDOM OF INFORMATION.

SUMMARY

This bill makes technical changes to the Freedom of Information Act.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/29/2021)