

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5879

AN ACT EXEMPTING CERTAIN CONTACT INFORMATION FROM

Title: DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

Vote Date: 3/31/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/10/2021

File No.:

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SPONSORS OF BILL:

The Government Administration and Elections Committee

REASONS FOR BILL:

This bill intends to exempt any residential address, email address or telephone number from being disclosed under the Freedom of Information Act, if a member of the General Assembly possesses this information for their public office purposes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Freedom of Information Commission (FOI Commission): The FOI Commission identified various points of confusion in terms of the language in the bill. Namely, the FOI Commission questioned what the bill meant by “individual” or by the phrase “related to” a members office. The FOI Commission found it unclear as to what types of records the exception would apply to. The FOI Commission cited Declaratory Ruling #90, in which the Commission declared that any communication a legislator may receive regarding legislation is in fact a public record and therefore not subject to an exception. On the contrary, the FOI Commission ruled that any personal correspondence that did not pertain to legislation would not be deemed a public record. In other decisions issued by the FOI Commission, they have determined that street addresses as well as telephone numbers on any correspondence was a public record because it was easy to identify if the mail came from a constituent. As for electronic mail, the FOI Commission has stated that email addresses are not a part of the public record because it is not discernable if the individual is a constituent or not. Due to a pending case regarding access to constituent information that is scheduled to go before the Commission, the FOI Commission is not able to take a formal position of proposal.

NATURE AND SOURCES OF SUPPORT:

None expressed.

NATURE AND SOURCES OF OPPOSITION:

Mike Savino, President, Connecticut Council on Freedom of Information: Mr. Savino is opposed to this bill, as it prohibits the public from knowing who their elected officials are communicating with. In addition, Mr. Savino expressed concern over the precedent that this policy would set going forward, specifically in regards to businesses, donors and other influential individuals having an influence on legislation. Lastly, Mr. Savino suggests that a disclaimer should be added to all communications with members of the General Assembly, making it clear that the correspondence is considered a public record.

Michael P. Ryan, President, Connecticut Broadcasters Association: The Connecticut Broadcasters Association expressed their opposition to this bill, finding that it limits the open nature of our democracy. Citing the role of the news media in regards to providing the public with information on public officials, the Connecticut Broadcasters Association believes that this FOIA exemption is akin to secret electoral politics, which they reason to be damaging to our democratic process. By restricting access to mailing lists, the government takes away a critical element of transparency and the public is not able to know who their legislators are communicating with.

Kelly McConney Moore, Senior Interim Policy Director, American Civil Liberties Union of Connecticut (ACLU-CT): The ACLU-CT stands in opposition to the bill, believing that the FOIA contact exemptions allow for the exemption of far too much information that the public has a right to know. Based on the bill in its current form, the ACLU-CT believes that the exemption could include lists of lobbyists and government officials. When the government shields contact information for those who are on a legislators mailing list, the open government principles are seemingly abandoned. In addition, the ACLU-CT makes note of the fact that the Freedom of Information Commission has issued decisions in the past which confirm that some of the contact information that the bill proposes to exempt is in fact a matter of public record.

Reported by: Trevor Hoffman

Date: 03/31/2021