

# Higher Education and Employment Advancement Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6236

AN ACT EXEMPTING CERTAIN INFORMATION CONCERNING CONCRETE FOUNDATIONS FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF

**Title:** INFORMATION ACT.

**Vote Date:** 3/22/2021

**Vote Action:** Joint Favorable

**PH Date:** 2/18/2021

**File No.:**

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### SPONSORS OF BILL:

REP. FOSTER, 57th Dist.

SEN. OSTEN, 19th Dist.

SEN. ANWAR, 3rd Dist.

REP. HAINES, 34th Dist.

### REASONS FOR BILL:

To add any records maintained or kept on file by a public higher education institution relating to claims or testing for faulty or failing concrete foundations in residential buildings to the list of records exempted under the Freedom of Information Act.

### RESPONSE FROM ADMINISTRATION/AGENCY:

#### [Freedom of Information \(FOI\) Commission:](#)

Submitted written testimony in support. The commission has concerns with specific legal wording that may have conflicting definitions and whether "the proposal might prohibit the disclosure of any final studies issued by constituent units of higher education," but will be meeting with proponents to discuss them.

#### [James Mahoney, Associate Director, UConn:](#)

Submitted written and oral testimony in support. Mr. Mahoney provides background on his colleagues' and his research and requests a Freedom of Information Act exemption. "Having a FOIA exemption similar to other Connecticut State agencies," and specifically for pyrrhotite, he says, "would allow the possibility of data sharing between UConn and the other State agencies ... [and] provide homeowners requesting testing to have confidence that their data

will remain confidential." He says not securing an exemption could result in the following:

- "UConn's important research to develop a risk assessment model may take longer and the much needed model may not be as accurate.
- Negative affect on a homeowners' financial standing, possibly place their house underwater with regard to their mortgage.
- Lenders and insurers could use information about other houses in the neighborhood to make lending and insurance premium decisions if the information collected as part of this project is subject to FOIA requests."

During the public hearing, Sen. Haskell raised the concerns expressed by the FOI Commission. Mr. Mahoney addressed them, saying, "I don't envision that as being a problem because we would be able to blind the data sufficiently so that you wouldn't be able to get it down on a very granular level," and that their grant requires publication of the final study.

**Deborah Schander State Librarian, Connecticut State Library:**

Submitted written testimony in opposition with substitute language. Ms. Schander says, "H.B. 6236, as currently written, raises concerns for access to public records with potential historical value ... Given the scope and the economic impact of faulty and failing concrete foundations, records related to research on the concentration of pyrrhotite in concrete has historic value and should be preserved and made available to future researchers." She says recent exemptions "have created new barriers and confusion over access to historical records in the State Archives." Ms. Schander say, "The State Library encourages the committee to retain an expiration date for the exemption in the final version of the bill."

**NATURE AND SOURCES OF SUPPORT:**

See Agency/Administration response.

**NATURE AND SOURCES OF OPPOSITION:**

See Agency/Administration response.

**Reported by: Jeremy Salyer**

**Date: 04/05/2021**