



General Assembly

January Session, 2021

Raised Bill No. 1072

LCO No. 5484



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

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 Section 1-211 of the general statutes is repealed and the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)

Statement of Purpose:

To make technical revisions to provisions of the Freedom of Information Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

