



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 Section 1-211 of the general statutes is repealed and the  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

**GAE**      *Joint Favorable*