

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5458

AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION

Title: ACT RECOMMENDED BY THE FREEDOM OF INFORMATION COMMISSION.

Vote Date: 3/29/2022

Vote Action: Joint Favorable

PH Date: 3/18/2022

File No.:

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SPONSORS OF BILL:

Government Administration and Elections

REASONS FOR BILL:

This proposal would revise the FOI Act. It changes the application of the definition of governmental function, revises commission training requirements, amends the education records exemption, modifies the definition of a hand-held scanner, and permits electronic transmission of special meeting notices.

RESPONSE FROM ADMINISTRATION/AGENCY:

Ms. Colleen Murphy, Executive Director and General Counsel, Freedom of Information Commission: The original act added a definition of "governmental function" as it relates to certain contracts. Over the years there has been some confusion as to how this definition relates to these contracts. This bill would clarify this definition. It would also revise some of their training requirements that, they believe, is reasonable and straightforward. FERPA gives parents and students who are 18 years old and over who attend postsecondary institution, rights to access education records and to have some control over the disclosure of personally identifiable information and the right to have educational records amended. For purposes of clarity the Commission supports replacing the word "educational" with the word "education". They also point out that the current definition of a handheld scanner is obsolete. They support expanding the definition to include a mobile telephone or camera, and any similar device that exist now or will exist in the future. They would also wish to allow public agencies to provide regular and special meeting notices by "electronic transmission" that would allow a public agency to provide notice by "electronic transmission".

NATURE AND SOURCES OF SUPPORT:

Ms. Michele Jacklin, Legislative co-chair of the CT Council on Freedom of Information:

They urge support of this proposal. The use of cellphones and cameras would not leave marks or damage documents. Allowing individuals to use their cellphone frees up local staff from having to make copies for members of the public and this change in the statute would not alter the fee structure that is now in place for the copying of public records.

Ms. J. Stacey Yarbrough, Legislative Committee, CT Town Clerks Association: This bill seeks to add to the definition of hand-held scanner the long-contested and confusing use of mobile telephones and cameras. They suggest it would be favorable to further clarify this new definition, in so far as such will be able to withstand the test of time and advancements in technology. The current language may raise further issues reminiscent of those associated to the prior questions related to what the appropriate instrument use and the fees would be.

NATURE AND SOURCES OF OPPOSITION:

Mr. David Godbout, Constituent: He opposed all the bills put forward by the committee under the claim of nullification.

Reported by: Richard Ferrari

Date: 3/29/22