
OLR Bill Analysis

HB 5494

AN ACT PROHIBITING THE DISCLOSURE OF CERTAIN CONTACT INFORMATION UNDER THE FREEDOM OF INFORMATION ACT.

SUMMARY

This bill makes a list of email addresses or a portion of the list created or modified by a legislator or his or her staff for purposes related to the legislator's public office confidential and not subject to disclosure under the Freedom of Information Act (FOIA). The bill allows disclosure of this type of list to a state agency for a governmental purpose but specifies that this disclosure does not make the list a public record. (The bill does not define "governmental purpose.") It prohibits the list from being disclosed or used for a political campaign, primary, referendum, or election.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Related Rulings

In Declaratory Ruling # 90 (1998), the Freedom of Information Commission (FOIC) ruled that, generally, correspondence between legislators and constituents (1) is not disclosable under FOIA if it relates to casework (e.g., a request to assist the constituent with a matter involving a state agency) but (2) is disclosable under FOIA if it relates to enacting legislation.

FOIC later ruled the following in contested cases:

1. Constituent email addresses were not subject to disclosure under FOIA when the constituents had emailed a legislator about a bill; among other things, the addresses appeared automatically when sending an email and were not provided intentionally or voluntarily (FIC 2013-183 and FIC 2013-194 (2014)).

2. Email addresses provided intentionally and voluntarily to subscribe to a legislator's electronic newsletter were subject to disclosure under FOIA (FIC 2016-0483 (2017)).
3. Email addresses contained in a constituent contact database were subject to disclosure under FOIA because they were from various sources and not connected or otherwise associated with any particular correspondence (FIC 2020-0362 (2022)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 6 (03/28/2022)