
OLR Bill Analysis

sSB 1157

AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING EMPLOYEES OF PUBLIC AGENCIES.

SUMMARY

This bill adds employees in the (1) Office of the Attorney General (OAG) and (2) Department of Aging and Disability Services' (ADS) (a) disability determination services unit and (b) Bureau of Rehabilitation Services to the list of individuals covered by the Freedom of Information Act's (FOIA) limitation on disclosing home addresses (see BACKGROUND). In doing so, it prohibits OAG and ADS from disclosing the covered employees' home addresses from personnel, medical, or similar files. The bill also allows the covered OAG and ADS employees to request address confidentiality from other public agencies (and from OAG and ADS, as applicable, with respect to records besides those described above).

The bill also requires public agencies that receive a "mass request" (i.e., one that concerns 50 or more employees) under FOIA to inspect or copy records contained in any of their employees' personnel, medical, or similar files to make a reasonable attempt to notify the employees and their collective bargaining representatives before disclosing the records. This provision applies to mass requests for records for which the agency reasonably believes disclosure does not constitute an invasion of privacy. Under current law for these records, the agency must first disclose the records before attempting to notify the affected employee(s) and collective bargaining representative(s).

EFFECTIVE DATE: July 1, 2023

ADDRESS CONFIDENTIALITY

The bill prohibits OAG and ADS from disclosing the covered

employees' home addresses from personnel, medical, or similar files. It also allows covered employees to request address confidentiality from other public agencies (and from OAG and ADS, as applicable, with respect to records besides those described above). To do so, the employees must follow existing law's procedures for other covered individuals, including submitting a written request to the agency and providing it with his or her business address.

An agency that receives a FOIA request concerning a covered OAG or ADS employee who requested address confidentiality must redact the employee's home address only from records provided in response to a request that specifically names the covered individual. Additionally, the agency must make reasonable efforts to redact their addresses before releasing (1) an existing list derived from a readily accessible electronic database and (2) any list that the agency voluntarily creates in response to a request for disclosure. The law permits disclosure of a covered individual's residential address in any other type of record (other than OAG's or ADS's personnel, medical, or similar files, as described above).

As under existing law for other covered individuals, the disclosure prohibition also does not apply to home addresses of the covered OAG or ADS employees contained in (1) documents eligible to be recorded in municipal land records; (2) any list required by the state's election laws (e.g., voter registry lists, petition forms, logs of absentee ballot applications); or (3) municipal grand lists.

MASS REQUESTS

Under current law, if a public agency receives a request to inspect or copy records contained in any of its employees' personnel, medical, or similar files, and it reasonably believes that disclosure would not constitute an invasion of privacy, it must (1) first disclose the records and (2) within a reasonable period after disclosure, make a reasonable attempt to send to each employee involved and any collective bargaining representative a written or electronic copy of the request, if applicable, or a brief description of the request.

The bill creates an exception to this requirement for records described above that are part of a “mass request.” It instead requires the agency to make a reasonable attempt to notify each employee involved and any collective bargaining representative before disclosing the records. Specifically, the agency must make a reasonable attempt to send a written or electronic copy of the request or a brief description of it.

Under existing law, unchanged by the bill, an agency need not withhold a personnel, medical, or similar file from disclosure if it does not reasonably believe that disclosure would legally constitute an invasion of personal privacy.

BACKGROUND

Covered Individuals

The following public officials and employees are covered by FOIA’s home address disclosure limitation:

1. federal court judges and magistrates;
2. Connecticut Superior and Appellate Court judges, Supreme Court justices, and family support magistrates;
3. sworn members of municipal police departments or the State Police and sworn law enforcement officers in the Department of Energy and Environmental Protection;
4. employees of the judicial branch and the departments of Correction and Children and Families;
5. attorneys who represent or have represented the state in a criminal prosecution;
6. attorneys who are or have been employed by the Public Defender Services Division and social workers employed by the division;
7. Division of Criminal Justice inspectors;
8. firefighters;

9. members and employees of the Board of Pardons and Paroles and the Commission on Human Rights and Opportunities;
10. Department of Mental Health and Addiction Services employees who provide direct patient care; and
11. state marshals appointed by the State Marshal Commission.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/24/2023)