
OLR Bill Analysis

sSB 1157 (File 565, as amended by Senate "A")*

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

SUMMARY

This bill expands the Freedom of Information Act's (FOIA) limitation on home address disclosure to include all public agency employees, rather than just specified groups of employees and individuals (e.g., certain judges and police officers; see BACKGROUND). The limitation does not apply to the newly added public agency employees if residency is a term or condition of their employment.

As under existing law, the bill's limitation applies to residential addresses in an agency's personnel, medical, or similar files. However, the bill broadens the limitation to apply to an agency's personnel, medical, or similar files for any covered individual. Under current law, it applies only to those records for an agency's own employees.

Additionally, the bill extends to all public agency employees provisions in existing law that allow covered individuals to also request address confidentiality for other types of records.

*Senate Amendment "A" (1) replaces provisions in the original bill that added employees in the Office of the Attorney General and certain parts of the Department of Aging and Disability Services to the list of individuals covered by FOIA's current limitation on address disclosure; (2) eliminates provisions in the original bill requiring public agencies to notify employees of "mass requests" for certain records; and (3) changes the effective date from July 1, 2023, to upon passage.

EFFECTIVE DATE: Upon passage

ADDRESS CONFIDENTIALITY

Requesting Confidentiality in Other Records

In adding all public agency employees to FOIA's list of covered individuals, the bill allows these employees to request address confidentiality from other public agencies (and from their own agencies for records besides personnel, medical, or similar files). 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.

Under the bill, if an agency receives an FOIA request for a record besides a personnel, medical, or similar file, and the request concerns a covered employee who requests address confidentiality, then the agency 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 allows disclosure of a covered individual's residential address in any other type of record (other than personnel, medical, or similar files, as described above, as address confidentiality for these files is automatic under the bill.)

As under existing law for other covered individuals, the disclosure prohibition also does not apply to home addresses of the covered 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 (CGS § 1-217 (c) & (d)).

BACKGROUND

Public Agency Definition

FOIA defines a "public agency" as follows:

1. any executive, administrative, or legislative office of the state or any political subdivision of the state and any state or town

- agency;
2. any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state;
 3. any committee of, or created by, any of these offices, subdivisions, agencies, departments, institutions, bureaus, boards, commissions, authorities, or officials;
 4. any judicial office, official, or body or committee thereof but only with respect to administrative functions; and
 5. any person to the extent the person is the functional equivalent of a public agency (CGS § 1-200(1)).

Covered Individuals

The following public officials and employees are covered by FOIA's current 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)