
OLR Bill Analysis

sSB 1221

AN ACT CONCERNING THE ENFORCEMENT OF VIOLATIONS OF THE FREEDOM OF INFORMATION ACT.

SUMMARY

This bill increases, from \$1,000 to \$10,000, the maximum civil penalty that the Freedom of Information Commission (FOIC) may impose for certain Freedom of Information Act (FOIA) violations. As under existing law, the commission may impose the penalty against a records custodian or official responsible for denying a right conferred by FOIA (e.g., a request to inspect or copy a public record) if it finds that the denial was without reasonable grounds. FOIC may impose the penalty after giving the custodian or official an opportunity for a hearing.

The bill also allows FOIC to bring an action in court against certain public agencies. Under existing law, when a person files an appeal with FOIC against a public agency, the commission may confirm the agency's action or order it to provide relief that the commission believes is appropriate to rectify the denial. The bill additionally allows FOIC to bring an action in New Britain Superior Court if it finds that a public agency is engaging in (1) a practice or pattern of conduct that constitutes an obstruction of the public's right to access information under FOIA or (2) reckless, willful, or wanton misconduct in delaying or denying responses to public records requests.

Under the bill, FOIC may make these findings in an appeal to the commission of a denial by a public agency of a right conferred by FOIA and after a hearing. The bill allows FOIC to apply to the court for further injunctive and equitable relief, damages, attorney's fees, and costs as the court may order.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/24/2023)