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## **OLR Bill Analysis**

**sSB 1221 (File 525, as amended by Senate "A")\***

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

#### **SUMMARY**

This bill increases, from \$1,000 to \$5,000, 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 expands the circumstances under which FOIC may issue an order or impose a civil penalty. 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. Under the bill, if the commission finds that a public agency is engaging in (1) a practice or pattern of conduct that constitutes an obstruction of any right conferred by FOIA or (2) reckless, willful, or wanton misconduct in delaying or denying responses to public records requests, then it may take the following actions:

1. impose a civil penalty of \$20 to \$5,000 against a custodian or other official of the public agency and
2. order other relief that it determines is appropriate to correct the obstruction or misconduct and deter the agency from violating FOIA.

Under the bill, FOIC may make these findings in an appeal of a public

agency's denial of a FOIA right and after a hearing. The bill allows FOIC to apply to New Britain Superior Court for an order requiring the public agency to comply with a commission-issued order related to these findings.

The bill also makes technical changes.

\*Senate Amendment "A" (1) increases the maximum civil penalty to \$5,000, rather than \$10,000 in the original bill, and (2) replaces provisions in the original bill allowing FOIC to apply to the court for specified relief, damages, and attorney's fees with those allowing the commission to (a) issue orders and impose civil penalties and (b) apply to the court to enforce FOIC-issued orders.

EFFECTIVE DATE: October 1, 2023

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/24/2023)

Judiciary Committee

Joint Favorable

Yea 25 Nay 11 (05/23/2023)