



## **The Connecticut Council on Freedom of Information**

The Honorable Mae Flexer, Senate Chair  
The Honorable Matt Blumenthal, House Chair  
The Honorable Rob Sampson, Senate Ranking Member  
The Honorable Gale Mastrofrancesco, House Ranking Member  
Government Administration and Elections Committee  
Connecticut General Assembly  
Legislative Office Building  
Hartford, CT 06106

Dear Chairperson Flexer, Chairman Blumenthal, Ranking Members Sampson and Mastrofrancesco, and members of the Committee:

My name is Jeffrey Daniels. I am co-chair of the Legislative Committee of the Connecticut Council on Freedom of Information (CCFOI). CCFOI has advocated for government transparency and accountability since our founding in 1955. Our members represent leaders from print, broadcast and internet media, the Connecticut bar, and civil rights/civil liberties and open government organizations.

I am here to comment and offer context on four FOI-related bills:

- Support for SB 1155, implementing recommendations of the FOI Commission;
- Oppose SB Bill 1153, which would seriously restrict educational research data;
- Oppose SB 1154, which would make *all* whistleblower complaints secret; and
- Oppose SB 1157, which would expand the number of agencies where personal addresses are not disclosed.

We support language in all 7 sections of SB 1155, the package proposed by the CT Freedom of Information Commission. Let us highlight just two parts.

We draw attention to language proposed in Section 6 (g) which clarifies that *mobile phones and cameras* are to be included in the law that currently allows the public to make copies of records with “hand-held scanners”. The Legislature previously expanded the FOI statutes to set reasonable fees and allow the public to use “hand-held scanners” to make copies. This proposal specifically defines hand-held scanners to include a mobile telephone, camera or any other portable device that can capture an image. The law simply needs to keep up with our technology. It would enhance the ease of public access without impacting state and local

government.

Sections 1 and 2 of SB 1155 propose important clarifications defining “a governmental function” in contracts public agencies have with other entities. It follows earlier action by the CT Legislature to clearly define what a governmental function is. This language would only affect the definition with respect to FOI statutes and will assure public access to contracts where entities are, in fact, using public funds to carry out government business. This is in response to recent court decisions, and the changes make sense.

The three bills we oppose have one thing in common:

In different ways, each seeks to deny to the public, the press, *even* legislators a range of information that really should be accessible. Taken collectively, these bills would dilute further the public’s right to know, and compromise transparency in government.

SB 1153 is a broadly written proposal that has the potential to exempt from public scrutiny a wide array of research information and data conducted by staff and faculty in our institutions of public higher education. While we sympathize with efforts to protect the personal safety by withholding access to certain private information, there exist sufficient protections in current FOI statutes to accomplish that goal. This expanded exemption is unnecessary and dangerous. Because virtually all research at our public institutions is paid for with public funds, the proposal threatens rightful public access to literally all manner of research material under the guise of its being “proprietary”.

SB 1154 is an effort to hide formal complaint documents by whistleblowers. This is unnecessary legislation. Existing FOI law [Sec. 1-210(b)(13)] currently exempts disclosing names and information of investigative files; a position supported by court decisions, and one that extends to whistleblowers. The FOI Commission has opined that sometimes whistleblower complaint documents should be publicly available -- deciding these on a case-by-case basis is preferred, not a blanket exemption. Certainly, often it is in the public interest to view the complaint.

Finally, SB 1157 would withhold release of residential addresses of an expanded group of employees in four more state agencies. The statutes already exempt certain personnel in agencies where such release might represent a threat to personal safety. Expanding it to these agencies is unnecessary. Additionally, much of this information is easily available in a town hall and on the Internet. Also, the bill would expand agency notification requirements in cases involving over 50 employees before the FOI information can be disclosed. What is the purpose of this new requirement? Notification prior to disclosure? What is the proposal seeking to hide?

Thank you, and am happy to answer any questions, or to follow up on any information you may require.

6 March 2023