

Questions for Freedom of Information Commission Nominee

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Freedom of Information Commission ([CGS § 1-205 et seq.](#))

The Freedom of Information Commission (FOIC) consists of nine members. The governor appoints, with consent of either chamber of the General Assembly, five members who serve four-year, staggered terms. The Senate president pro tempore, House speaker, Senate minority leader, and House minority leader each appoint one member who serves a two-year term. (Legislative appointees are not subject to confirmation.) No more than five members may be from the same political party.

The FOIC staff consists of (1) an executive director and general counsel, (2) a managing director and associate general counsel, and (3) other staff as the executive director deems necessary. The commission reviews complaints of Freedom of Information Act (FOIA) violations and ensures that the public has access to government records and notice of public meetings. It may investigate allegations and, among other things, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses. FOIC must conduct annual training sessions to educate state employees about FOIA.

Questions

1. What do you see as the most important short- and long-term goals for the commission?
2. In 2021, the General Assembly enacted legislation allowing public agencies to hold public meetings using electronic equipment ([PA 21-2](#), June Special Session, § 149, as amended by [PA 22-3](#)). How well do you believe remote or hybrid public meetings have worked in practice? Are there any changes to the law that you would recommend?

3. This session, the Government Administration and Elections (GAE) Committee favorably reported a bill that allows FOIC to bring an action in court against a public agency if the commission finds that the agency has engaged in a pattern of obstructing the public's right to access information under FOIA ([sSB 1221](#)). What are your thoughts on this proposal? Are there other steps the legislature could take to address repeated obstruction by public agencies? Please explain.
4. The GAE Committee also favorably reported a bill this session that allows public agencies to charge fees for redacting certain body and dashboard camera recordings ([sSB 1222](#)). What are your thoughts on this proposal? Are there other steps the legislature could consider to address the challenges that public agencies face in complying with requests for these recordings? Please explain.
5. The General Law Committee favorably reported a bill this session that sets several transparency requirements for state agencies' development and use of automated systems ([sSB 1103](#)). To what extent do state agencies use automated systems for decision-making? Are there any other measures that you would recommend including in the legislation?
6. According to media reports, the volume and complexity of public records requests has significantly increased nationally in recent years. Has this also been the case in Connecticut? If so, what steps could the legislature take to mitigate public agencies' compliance costs while preserving the public's right to access records?
7. How does FOIA address access to records of non-governmental entities that perform governmental functions (e.g., a non-profit entity that receives state funds to deliver a social service program)? Do you believe that FOIA provides for an appropriate level of disclosure of these functions? Please explain.
8. Public officials increasingly use personal devices (e.g., smartphones) and e-mail accounts to conduct public business. What are your thoughts on this practice? What steps can agencies take to ensure that public records sent to and from these devices and accounts remain available for public inspection?
9. In 2018, the legislature enacted legislation creating a procedure under which public agencies may petition FOIC for relief from "vexatious requesters" ([PA 18-95](#)). Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year. Do you think this process is working, or are further changes needed?

10. Public records often include information provided by private individuals, whether voluntarily or involuntarily. Do you believe that FOIA requires too much disclosure of information concerning private individuals, or does it strike the right balance between their privacy and the public's right to know? Please explain.

11. The Internet has enabled private individuals to publish public records, such as voter registry lists, that may contain sensitive information about other people (e.g., dates of birth). Do you believe that FOIA should be amended to address this practice? Please explain.

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