



House of Representatives

General Assembly

File No. 451

February Session, 2024

Substitute House Bill No. 5410

House of Representatives, April 11, 2024

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXEMPTING INFORMATION CONCERNING CERTAIN VULNERABLE INDIVIDUALS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the 2024 supplement to
2 the general statutes is amended by adding subdivisions (29) and (30) as
3 follows (*Effective October 1, 2024*):

4 (NEW) (29) Records of a public agency related to an investigation of
5 alleged sexual harassment in violation of subdivision (8) of subsection
6 (b) of section 46a-60 or an alleged discriminatory practice, as defined in
7 section 46a-51, concerning an employee of the public agency, including
8 the name of any person providing information concerning such alleged
9 violation or discriminatory practice;

10 (NEW) (30) Records contained within the registry of residents of the
11 state with cognitive challenges created by the Division of State Police
12 within the Department of Emergency Services and Public Protection for

13 purposes of assisting in the recovery of missing or wandering persons.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2024</i>	1-210(b)(29) and (30)
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GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill exempts from Freedom of Information disclosure certain records pertaining to sexual harassment, discriminatory practices, and state police records on residents with cognitive challenges, and results in no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5410*****AN ACT EXEMPTING INFORMATION CONCERNING CERTAIN VULNERABLE INDIVIDUALS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill exempts from disclosure under the Freedom of Information Act (FOIA):

1. a public agency's records on an investigation of alleged sexual harassment or an alleged discriminatory practice regarding an employee of the agency, including the name of anyone providing information about the alleged harassment or discrimination, and
2. records in the registry of state residents with cognitive challenges created by the State Police to help recover missing or wandering people (i.e., the "Bring Me Back Home" registry).

More specifically, the exempted records on alleged sexual harassment pertain to violations of the law that generally prohibits employers and labor organizations from harassing an employee, person seeking employment, or member on the basis of sex or gender identity or expression. The exempted records on alleged discriminatory practices pertain to those practices that violate the human rights law administered by the Commission on Human Rights and Opportunities (e.g., the laws that set criteria for awarding certain public contracts, establish set-aside programs for small contractors and minority businesses, and prohibit discriminatory employment practices).

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Related Bills

sSB 234, favorably reported by the Public Safety and Security Committee, among other things expands the FOIA disclosure exemption for law enforcement agency records created in detecting or investigating crime that are not otherwise available to the public when disclosure would not be in the public interest, to include (1) the identity of mandated reporters not otherwise known and (2) sworn witness statements.

SB 394, favorably reported by the Government Administration and Elections Committee, exempts from disclosure under FOIA records maintained or kept by or for public higher education institution faculty or staff arising out of teaching or research on medical, artistic, scientific, legal, or other scholarly issues, including legal clinic or center records, but not financial records.

SB 436, favorably reported by the Government Administration and Elections Committee, generally expands the FOIA limitation on home address disclosure to include all public agency employees, rather than just specified groups of employees and individuals. It also broadens the limitation to apply to an agency's personnel, medical, or similar files for any covered individual (rather than applying only to those records for an agency's own employees).

sHB 5447, favorably reported by the Government Administration and Elections Committee, adds Office of the Attorney General (OAG) employees to the list of individuals covered by the FOIA's limitation on disclosing home addresses and allows OAG employees to request address confidentiality from other public agencies.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/26/2024)