

Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: HB-5410

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

Title: INFORMATION ACT.

Vote Date: 3/26/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/8/2024

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

The legislation aims to protect the identity of certain vulnerable individuals by exempting, from disclosure under the FOIA, records of an investigation or complaint of alleged sexual harassment or alleged discriminatory practice or the name of a person providing information concerning such allegations, as well as records contained within the registry of residents with cognitive challenges created by law enforcement for purposes of assisting in the recovery of missing or wandering persons.

RESPONSE FROM ADMINISTRATION/AGENCY:

Tanya Hughes, CHRO Executive Director:

If enacted, the bill would cause no change to existing law with respect to CHRO cases. The effect of the bill on CHRO's disclosure practices would be that the CHRO, in response to a FOIA request, could withhold complaints and final disposition documents from disclosure even after a case has been closed. Placing proposed provision in the FOIA rather than in CHRO's case processing statutes would allow entities subject to FOIA to withhold records pertaining to CHRO matters. The CHRO is currently in the process of developing revisions to its confidentiality measures in sensitive cases.

Colleen Murphy, FOI Commission Executive Director:

Section, lines 4 through 10 of the proposal are overly broad and would exempt from disclosure all records of the CHRO concerning an investigation of alleged sexual harassment or alleged discriminatory practice. The commission questions the purpose behind the need to

withhold all information regarding such practices. Section 1, lines 11 through 14 would exempt from disclosure all records contained within a registry of state residents with cognitive challenges, and to the extent the proposal seeks to exempt from disclosure all records relating to the BMBH program, the commission believes is overly broad and would restrict access to information concerning how law enforcement is making decisions or administering an important program. The commission believes the proposed exemptions should not be included in any part of the FOI Act.

NATURE AND SOURCES OF SUPPORT:

None expressed.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Lindsay de Brito

Date: 4/8/24