

**Government Administration and Elections Committee**  
**JOINT FAVORABLE REPORT**

**Bill No.:** SB-394

AN ACT ESTABLISHING AN EXEMPTION FROM DISCLOSURE FOR CERTAIN  
HIGHER EDUCATION RECORDS PERTAINING TO TEACHING OR

**Title:** RESEARCH UNDER THE FREEDOM OF INFORMATION ACT.

**Vote Date:** 3/26/2024

**Vote Action:** Joint Favorable

**PH Date:** 3/13/2024

**File No.:**

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**SPONSORS OF BILL:**

Government Administration and Elections Committee

**REASONS FOR BILL:**

The legislation aims to amend the Freedom of Information Act to exempt certain proprietary records held by a public institution of higher education pertaining to teaching or research from disclosure in response to concerns regarding the protection of faculty at such institutions.

**RESPONSE FROM ADMINISTRATION/AGENCY:**

Colleen Murphy, FOI Commission Executive Director:

The FOI Commission opposes the bill, believing that by exempting the disclosure of all records of not only professors but also staff, the bill is prohibiting access to records that are integral to the mission and function of public higher education institutions. The Commission is aware of only two cases under its jurisdiction that challenged the denial of disclosure of records related to research conducted by a public university.

**NATURE AND SOURCES OF SUPPORT:**

Michael Bailey, UConn-AAUP Executive Director:

In support of open records laws that encourage government transparency and that allow for the general public to access copies of administrative records but must rely on open records laws to protect faculty. Current exemptions to CT Freedom of Information Act do not contain the terms "faculty", "research", or "teaching" and limit the ability to adequately protect faculty

from interference with their endeavors. This proposed exemption will provide the necessary tools.

Isaac Kamola:

Believes the bill would protect Connecticut faculty from the increasingly prevalent threat of weaponized FOIA requests by political activists.

Lauren Kurtz, CSLDF Executive Director:

Supports the bill, stating that while open records laws have a vital role in government transparency, in the specific realm of higher education they can be easily exploited by bad actors to harass and intimidate scientists and academics whose research they dislike. The language of the bill mirrors successful laws of other states, e.g., New Jersey, Georgia, Virginia, South Carolina. Codifying these protections will help safeguard critical scientific research, protect academic freedom, and save taxpayer money.

Ted Loewenthal:

Supports the bill in its efforts to establish prudent guide rails for the use of the Freedom of Information Act, which was not intended as a means of intimidation and harassment of legitimate research. There are ways for citizens to see and understand publicly funded research without resorting to the FOIA process.

Sachin Pandya, UConn Professor of Law:

Offers support, stating that third-party harassment of university faculty is on the rise, particularly by use of FOI statutes to target researchers including those at the University of Connecticut. The bill would substantially reduce the risk of FOI-facilitated harassment, while upholding transparency of university research funding and public accountability.

## **NATURE AND SOURCES OF OPPOSITION:**

Dr. Linda Dalessio:

Offers opposition, stating that all research that is funded by the public should be available to the public in the name of transparency and openness to the voters of Connecticut. Researchers that work for the University of Connecticut should be subject to every other law that uses state taxpayers funding.

Michele Jacklin, CT Council on FOI:

CCFOI strongly opposes the bill, stating that it represents a vast overreach and would restrict public access to taxpayer-funded information, research, data, and reports. It is impossible to build an impenetrable wall around potential targets for harassment and weakening the state's FOIA will not further the goal. Creating legislation to deal with a handful of cases is unneeded, unwarranted, and would irreparably impede the public's access to crucial data.

Also expressed opposition:

Jermaine Cruz

Glenn Fuoco

Kristyn D'Amato

Nicholas D'Amato

**Reported by: Lindsay de Brito**

**Date: 4/3/24**