
OLR Bill Analysis

sSB 436

AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING THE NONDISCLOSURE OF THE ADDRESSES OF CERTAIN PUBLIC AGENCY EMPLOYEES.

SUMMARY

This bill expands the Freedom of Information Act's (FOIA) limitation on home address disclosure to include all public agency employees, rather than just specified groups of employees and individuals (e.g., certain judges and police officers; see BACKGROUND). The limitation does not apply to the newly added public agency employees if residency is a term or condition of their employment.

As under existing law, the bill's limitation applies to residential addresses in an agency's personnel, medical, or similar files. However, the bill also broadens the limitation to apply to an agency's personnel, medical, or similar files for any covered individual. Under current law, it applies only to those records for an agency's own employees.

Additionally, the bill extends to all public agency employees provisions in existing law that allow covered individuals to also request address confidentiality for other types of records.

EFFECTIVE DATE: October 1, 2024

ADDRESS CONFIDENTIALITY

Requesting Confidentiality in Other Records

In adding all public agency employees to FOIA's list of covered individuals, the bill allows these employees to request address confidentiality from other public agencies (and from their own agencies for records besides personnel, medical, or similar files). To do so, the employees must follow existing law's procedures for other covered individuals, including submitting a written request with his or her

business address to the agency.

Under the bill, if an agency receives an FOIA request for a record besides a personnel, medical, or similar file, and the request concerns a covered employee who requests address confidentiality, then the agency must redact the employee's home address only from records provided in response to a request that specifically names the covered individual. Additionally, the agency must make reasonable efforts to redact their addresses before releasing (1) an existing list derived from a readily accessible electronic database and (2) any list that the agency voluntarily creates in response to a request for disclosure. The law allows disclosure of a covered individual's residential address in any other type of record (other than personnel, medical, or similar files, as described above, as address confidentiality for these files is automatic under the bill).

As under existing law for other covered individuals, the disclosure prohibition also does not apply to home addresses of the covered employees contained in (1) documents eligible to be recorded in municipal land records; (2) any list required by the state's election laws (e.g., voter registry lists, petition forms, logs of absentee ballot applications); or (3) municipal grand lists.

BACKGROUND

Public Agency Definition

Under FOIA, a "public agency" generally includes any:

1. executive, administrative, or legislative office of the state or any political subdivision of the state and any state or town agency;
2. department, board, commission, authority, or official of the state or of any municipality, school district, or other district or other political subdivision of the state;
3. committee of, or created by, any of these offices or officials;
4. judicial office, official, or body or committee, but only for administrative functions; and

5. person to the extent they are the functional equivalent of a public agency (CGS § 1-200(1)).

Covered Individuals

The following public officials and employees, among others, are covered by FOIA's current home address disclosure limitation:

1. Connecticut Superior and Appellate Court judges, Supreme Court justices, and family support magistrates;
2. sworn members of municipal police departments or the State Police;
3. employees of the judicial branch and the departments of Correction and Children and Families;
4. attorneys who (a) represent the state in a criminal prosecution or (b) are employed by the Public Defender Services Division;
5. members and employees of the Board of Pardons and Paroles and the Commission on Human Rights and Opportunities;
6. Department of Mental Health and Addiction Services employees who provide direct patient care; and
7. state marshals appointed by the State Marshal Commission.

Related Bills

sSB 234 (File 207), 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.

sHB 5410, favorably reported by the Government Administration and Elections Committee, exempts from disclosure under FOIA (1) public agency records on investigations into the agency's employee's alleged sexual harassment or discriminatory practice, including the name of anyone providing information about it, and (2) Department of Emergency Services and Public Protection records in the registry of state residents with cognitive challenges to help recover missing or wandering persons (i.e., the Bring Me Back Home registry).

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

Yea 13 Nay 6 (03/26/2024)