FREEDOM OF INFORMATION COMMISSION STATEMENT ON HOUSE BILL 5548, AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING EMPLOYEE RESIDENTIAL ADDRESSES AND CERTAIN HIGHER EDUCATION RECORDS.

March 18, 2026

University Records Exemption

The Freedom of Information Commission strongly opposes House Bill 5548 (section 2), which seeks a wide-ranging exemption from disclosure for records of public universities "arising out of teaching or research on medical, artistic, scientific, legal, or other scholarly issues". Such an exemption is overly broad and unnecessary, given the existing exemptions currently available to public universities.

By exempting from disclosure all records "arising out of teaching or research" belonging to 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. Connecticut's own public flagship university's mission statement highlights these fundamental functions:

> As Connecticut's public ***research*** university, through freedom of academic inquiry and expression, we create and disseminate knowledge by means of scholarly and creative achievements, graduate and professional education, and outreach. Through our focus on ***teaching*** and learning, the University helps every student grow intellectually and become a contributing member of the state, national, and world communities [emphasis added].[1]

Given that these two functions touch all aspects of a university's mission, the bill would arguably exempt all records maintained or kept by all public higher education institutions in the state, except for financial records. What is the purpose and need for such overly broad confidentiality language?

There is great public interest in all teaching and research conducted at public higher education institutions, especially in significant (and potentially controversial) issues (e.g., animal research, climate change, mental health) that require a high level of scrutiny and accountability and that are funded largely with public dollars.[2] Providing access to public records should be considered a primary duty of all public employees, including university faculty and staff, along with their other major functions.

[1] University of Connecticut Mission Statement, adopted by the Board of Trustees on April 11, 2006, and amended on June 20, 2006. https://boardoftrustees.uconn.edu/university-mission-statement/

[2] Goodman, Justin. "Stop CT's attack on its own accountability and transparency." *CT Mirror*, May 3, 2023. https://ctmirror.org/2023/05/03/ct-foia-freedom-of-information-act-uconn/

Under the proposal, public universities could also withhold information regarding investigations into alleged misconduct of staff and faculty, including investigations concerning the alleged misuse of university and grant funds allotted for research and teaching.[3]

In testimony on similar proposals over the last three years, its proponents indicated that these proposals were borne out of safety concerns for university professors conducting research. However, the FOI Act already contains an exemption for records when their disclosure could reasonably lead to a safety or security risk. *See* Conn. Gen. Stat. §1-210(b)(19).

In addition, to the extent that the bill may seek to address other concerns such as the disclosure of preliminary drafts, trade secrets, commercial or financial information, attorney-client privileged communications, student records, personnel or medical files, performance and evaluation records, there are already exemptions to disclosure that address these concerns both in statute and case law:

- §1-210(b)(1) (preliminary drafts and notes),
- §1-210(b)(2) (personnel, medical or similar files – invasion of privacy),
- §1-210(b)(5) (trade secrets and commercial or financial information),
- §1-210(b)(10) (attorney-client privileged communications),
- §1-210(b)(17) and the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g (student records),
- §1-210(b)(2) (personnel, medical, or similar files – invasion of privacy),
- §10a-154a (university faculty and professional staff performance and evaluation records), and
- Fromer v. FOIC, et. al., 90 Conn. App. 101 (2005) (Court held that (1) individual instructors were not "public agencies" and (2) their presentations were not "public records" as they were not prepared, owned, used, received or retained by the university, within the meaning of the FOI Act).

Lastly, the Commission is aware of only one case under its jurisdiction wherein the denial of disclosure of records related to research conducted by a public university was at issue and fully adjudicated. *See* People for the Ethical Treatment of Animals, Inc. (PETA) v. Freedom of Information Commission, et. al., 321 Conn. 805 (2016) (Supreme Court affirmed the Commission's decision and held that §1-210(b)(19) requires deference to the Department of Administrative Services Commissioner's safety and security assessment, unless the party seeking disclosure establishes that the determination was frivolous, patently unfounded or in bad faith).

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[3] In early 2025, it was reported that a university faculty member was charged with larceny for allegedly using university and grant funds for personal travel, rather than in support of research and teaching. See Gianni Salisbury. "UConn professor arrested for misuse of funds." *The Daily Campus*, March 3, 2025; UConn professor arrested for misuse of funds | The Daily Campus; Matt Dwyer and Jim Haddadin. "UConn professor accused of expensing Disney trips sues for defamation." *CT Public,* March 12, 2025. UConn professor accused of expensing Disney trips sues for defamation | Connecticut Public Under the proposal, had the matter not been referred to law enforcement, the public may never have been made aware of such alleged misconduct, nor of the university's handling of the matter.

Residential Addresses

House Bill 5548 (section 1) seeks to amend §1-217 of the FOI Act, which prohibits the disclosure of the residential addresses of certain enumerated classifications of workers, to include the addresses of all public employees, except when residency is a condition or term of such person's employment. The concept of adding more classifications of workers whose home address would be "protected" has, for the most part, been opposed by advocates of transparency and open records for years.

The FOI Commission understands the security concerns which initially led to the enactment of §1-217, more than 25 years ago. That section permitted public agencies not to disclose the home addresses of an enumerated list of certain "at risk" public officials such as police officers, judges and others directly involved in the criminal justice system. However, §1-217 is not the panacea that many believe it to be.

In March 2012, the General Assembly limited §1-217 (Public Act 12-3) and basically eliminated the idea of restricting any address on voter records, land records and grand lists, thereby keeping them open to public inspection. This was done in recognition of the reality that a complete prohibition on disclosure of certain residential addresses is unworkable, impossible and ignores the public policy behind numerous provisions within Title 9 that require the disclosure of residential addresses.

In addition, with respect to other government records, subsection (c) of §1-217 establishes a process whereby a person can request that public records other than personnel files, voter records, land records, and grand lists, which might contain his or her residential address, be altered to substitute a business address. However, the public agency only needs to make its best effort to accommodate such a request.

Finally, the reality is that times have changed since the initial enactment of §1-217. For better or worse, the fact is that the residential addresses of most people are now readily available for free, or for a nominal charge, on the Internet and through other commercial services.

For all the reasons stated above, the FOI Commission urges the rejection of House Bill 5548.

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