Connecticut Council on Freedom of Information

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SB 466, AN ACT CONCERNING VEXATIOUS REQUESTORS UNDER THE FREEDOM OF INFORMATION ACT
And
SB 462, AN ACT ESTABLISHING THE OFFICE OF GOVERNMENT OVERSIGHT
And
HB 5528, AN ACT REQUIRING PUBLIC AGENCY EMPLOYEES TO ATTEND FREEDOM OF INFORMATION ACT TRAINING

Committee on Government Administration and Elections

March 13, 2026

Good afternoon Sen. Flexer, Rep. Blumenthal, Ranking Members Sampson and Mastrofrancesco and Honorable Members of the Committee on Government Administration and Elections:

My name is Mary Connolly. I am the secretary of the Connecticut Council on Freedom of Information. We are a 70-year-old organization comprised of open government advocates, Connecticut news media and First Amendment supporters. Our mission is to advocate and promote government transparency, public access, a strong Freedom of Information law and other measures that guarantee the rights of individuals and journalists under the First Amendment to the U.S. Constitution and the Connecticut Constitution.

CCFOI supports **SB 466**, but a clarification is recommended. The existing law allows a public agency to petition the Freedom of information Commission (FOIC) for relief from a vexatious requester using the Freedom of Information Act (FOIA). The number of requests, the scope of the requests, the language or subject matter of the requests, and the subject matter of other oral and written communications can be used to justify the request for vexatious relief.

SB 466 adds "harassing or threatening conduct" to the conduct that can be used to support a petition for relief. The objectionable conduct can include conduct "that took place at or outside of the agency's office regardless of whether such conduct was related to the request …"

Vexatious conduct is an abuse of the right to access public documents under the FOIA**.** Although rare, the conduct could also interfere with the operation of the agency. However, the addition of "harassing or threatening conduct" should be defined. For example, following a public employee around a town hall or a city hall parking lot in an alarming or threatening manner should be addressed by the police not the FOIC. The law should be clear that the petition process on vexatious requesters under the FOIA should involve conduct related to the FOIA and not encroach on protected free speech.

The CCFOI opposes sections of **SB 462** which apply to the FOIA. This legislation would create an Office of Government Oversight to "detect and prevent fraud, waste and abuse in the management of state personnel, in the use and disposition of state property and in the collection, disbursement and expenditure of state and federal funds administered by government agencies." This Office of Government Oversight would be an independent office within the Joint Committee on Legislative Management for administrative purposes only.

Sec. 4 (d) of SB 462 seeks to keep the work of the Office of Government Oversight hidden from public scrutiny. As written, all records "relating to an actual or potential inspection, or inquiry or investigation, shall be confidential and shall not be public records under the Freedom of Information Act …" This exemption to the FOIA would apply until "all such inspections, inquiries or investigations have been concluded and all criminal and civil actions arising from the records have been finally adjudicated or otherwise settled …" The bill gives the executive director the authority to allow public scrutiny if "deemed appropriate."

There are existing exemptions in the FOIA to protect active investigations, victims and future law enforcement investigations. But this provision in **SB 462** indefinitely blocks public scrutiny of the work of the proposed Office of Government Oversight. The creation of a new public agency to ensure government accountability is a travesty if its work is hidden for years from public scrutiny.

CCFOI strongly supports **HB 5528**, which would require "each member of a public agency" to complete training on the FOIA. Existing law requires the FOIC to conduct training sessions for members of public agencies. This clarification recognizes the benefit of the FOIA training sessions and ensures public agency members will receive the training they need to assist citizens who seek to obtain information or attend meetings and hearings under the FOIA. The bill also provides that the training can be offered through pre-recorded videos, making it easier for the process to be managed.

Many Connecticut residents first learn about the FOIA when they attempt to obtain information about a zoning, education, construction, financial issue or others in their hometown or from a state agency. Sometimes it's easier to navigate the process locally than it is in the large and complex array of state public agencies. But public employees on the state and local level would benefit from this renewed emphasis on learning about the FOIA and its focus on government transparency and accountability.

The CCFOI recommends a clarification on how the training requirement would be applied. The bill requires training for "each member of a public agency." It is not stated whether this requirement would apply to local as well as state employees. We also suggest the language be clarified as to whether the training requirement applies to all public employees or just those in jobs that might be expected to handle FOI requests.

Mary Connolly
CCFOI Secretary