FREEDOM OF INFORMATION COMMISSION STATEMENT ON SENATE BILL 466, AN ACT CONCERNING VEXATIOUS REQUESTERS UNDER THE FREEDOM OF INFORMATION ACT.

March 13, 2026

The Freedom of Information (FOI) Commission offers the following statement on Senate Bill 466, which seeks to amend Section 1-206(b)(6) the FOI Act to include the FOI Commission's consideration of "harassing and threatening conduct" that occurred separately from the making of a records request. The proposed amendment would also allow the Commission to order a longer period of relief from compliance with requests upon a second or subsequent granting of a petition for relief from a "vexatious requester."

In 2018, the Legislature amended the FOI Act to include a provision that affords a public agency the right to petition the FOI Commission for *temporary relief* from a "vexatious requester." Under current law, a petitioning agency must set forth the conduct it alleges demonstrates a "vexatious history of requests" and includes a *non-exhaustive* list of factors to be considered: (A) the number of requests filed and the total number of pending requests; (B) the scope of the requests; (C) the nature, content, language or subject matter of the requests; (D) the nature, content, language or subject matter of other oral and written communications to the agency from the requester; and (E) a pattern of conduct that amounts to an abuse of the right to access information under the FOI Act or an interference with the operation of the agency. Under current law, the Commission may issue an order that the petitioning agency need not comply with future requests from a "vexatious requester" for a specified time *not exceeding one year*.

The FOI Commission understands the proposal to permit the Commission to consider "threatening or harassing conduct that took place at or outside of the agency's office regardless of whether such conduct was related to the request." However, the Commission strongly believes that there must be a nexus between any conduct considered and a history of making records requests under the FOI Act, in determining that a person is a "vexatious requester."

The FOI Commission also wishes to apprise the committee that it has defined the term "vexatious" in the FOI Act, according to its ordinary meaning in the English language, as "causing vexation: distressing; intended to harass." *See* PRVR #1; *Town of East Lyme; and East Lyme Board of Education v. David Godbout* (Feb. 26, 2020), available at PRVR_1.pdf.[1] If Section 1-206(b)(6) of the FOI Act is amended, as proposed, the Commission suggests that the Legislature expressly define the terms "harassing" and "threatening."

[1] Consideration of how the Commission construed the meaning of the term "vexatious" in Section 1-206(b)(6) of the FOI Act is pending review by the Appellate Court in *Olson v. Freedom of Information Commission* (A.C. 48010). The Court heard oral argument on March 10, 2026. To date, the parties are awaiting a ruling. The FOI Commission asks that the General Assembly allow the legal process to proceed to its completion and give the Court the opportunity to weigh in before the consideration of any legislative action.

To the extent the proposal is intended to enable the FOI Commission to consider "harassing or threatening conduct" with a nexus to the FOI request process, the Commission already construes the statute as allowing it to do so. Likewise, the Commission already construes Section 1-206(b)(3)(D) of the FOI Act as permitting it to consider oral and written communications from a request to "an employee of the agency." [2] Accordingly, the proposed language may not be necessary.

The proposal also seeks to amend Section 1-206(b)(6) of the FOI Act to enable the FOI Commission to afford additional relief to a petitioning agency if the requester has previously been found to be vexatious. The Commission appreciates that consideration of such relief would remain within its discretion, and that such relief would not exceed three years.

Finally, amending Section 1-206(b)(6) of the FOI Act as proposed may lead to an increase in the number of petitions for relief from a vexatious requester filed with the FOI Commission, which may require additional resources for the timely adjudication of such matters.

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[2] For example, in PRVR #1 the FOI Commission took note of the fact that an employee of the petitioning agency obtained a civil protective order following an incident related to the FOI request process.