FREEDOM OF INFORMATION COMMISSION STATEMENT ON SENATE BILL 250, AN ACT CONCERNING A STUDY OF STATE AGENCY RESPONSE TIMES TO FREEDOM OF INFORMATION ACT REQUESTS.

February 24, 2026

The Freedom of Information ("FOI") Commission submits this statement in support of Senate Bill 250, which would require the Office of Policy and Management to conduct a study of the response times of state agencies to requests for public records made under the FOI Act.

Under the FOI Act, requestors are entitled to receive public records, "promptly upon request."[1] While the Commission does not track complaints filed with the Commission based on the specific FOI Act violation alleged, whether a public agency's response to a records request was prompt is an issue that has been raised in many of the contested case hearings before the Commission.

Connecticut courts have concluded that responding to records requests is a primary duty of public agencies. "An agency's FOIA duty is a statutory duty or command. As such, it is not second class to any other statutory duty or command." Commissioner, State of CT, Dept. of Emergency Services and Public Protection, et. al. v. FOI, et al., Docket No. HHB-CV18-6047741-S (2020).

However, in some instances, state agencies have taken years to respond to records requests, severely impacting the public's right to know and access public information. In one such case, a reporter for The Day newspaper in New London filed a records request with the state Department of Emergency Services and Public Protection for a police report and search warrant on November 19, 2015, but the agency did not provide the requester with a copy of the report until August 17, 2018. "It is found that the *approximately two and one half year* wait before providing records in response to a simple request pursuant to the FOI Act is unacceptable," the Commission's Final Decision reads. *See* Docket #FIC-2018-0509; The Day, et. al. v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, et. al. (March 13, 2019); *see also* Docket #FIC 2025-0036; Connecticut Inside Investigator, et. al. v. University of Connecticut, et. al. (December 17, 2025) (agency "took 540 days to produce approximately 728 pages of responsive records, which did not represent all responsive records"); and Docket #FIC 2025-0037; CT Inside Investigator, et. al. v. Connecticut State Colleges and Universities, et. al. (December 17, 2025) (agency took over 22 months from the initial records requests to provide the final batch of records to the requesters).

The Commission is also concerned that Public Act 24-81 (section 99), which created new obstacles to accessing public records by requiring requests for records that have been shared among state agencies to be routed to the agency from where the records originated, may lead to unnecessary delays and impact the timely processing of records requests. We appreciate that this proposal may help to track those types of interagency scenarios.

The Commission would be happy to assist the Office of Policy and Management, as needed, with the preparation of the report and wishes to thank the Government Oversight Committee for raising this proposal and its interest in ensuring citizen access to government records in a timely manner.

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[1] Conn. Gen. Stat. §1-212(a).