Connecticut Council on Freedom of Information

Serving the Public Since 1955

https://ccfoi.com/

SB 250, AN ACT CONCERNING A STUDY OF STATE AGENCY RESPONSE TIMES TO FREEDOM OF INFORMATION ACT REQUESTS
And
HB 5250, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE FREEDOM OF INFORMATION COMMISSION FOR REVISIONS TO THE FREEDOM OF INFORMATION ACT
Committee on Government Oversight

February 24, 2026

Good afternoon, Sen. Gadkar-Wilcox, Rep. Dathan, Ranking Members Sampson and Carney and Honorable Members of the Committee on Government Oversight:

My name is Thomas Scheffey, and I am vice president of the Connecticut Council on Freedom of Information (CCFOI). We are a 70-year-old organization comprised of open government advocates, CT news media and First Amendment supporters. Our mission is to promote, protect and improve Connecticut's Freedom of Information Act.

The CCFOI enthusiastically supports SB 250, which would require the state Office of Policy and Management to study the response times of state agencies to requests for public records under the Freedom of Information Act (FOIA).

This straightforward proposal would examine the compliance track record of agencies covered by the Act, zero in on the problem areas and suggest methods for improvement. The study would also analyze cases where inexplicably long response time has led to an appeal to the Freedom of Information Commission (the Commission).

Most FOI requests are filed for serious, urgent reasons. Victims of police power, and too often their survivors, want to know how and why events unfolded as they did. Reporters attempting to document systemic inefficiencies or injustice in government agency actions need facts and evidence before finding fault -- or showcasing what Connecticut government does especially well. Too often, they are met with delay and silence, without the feedback of a status report acknowledging the request or giving any clue of why nothing seems to be happening. Such unexplained silence does not foster citizen confidence in government accountability.

All too often, agencies drag their feet for months, and sometimes years, without identifying and producing the records to which the public is entitled as a matter of law.

This is particularly true in the Department of Emergency Services and Public Protection (DESPP), the Department of Education, the Department of Labor and state colleges and universities.

Recent examples of unexcused violations of the FOIA's promptness requirement are the state higher education system's delay of "22 months (nearly two years)" from the initial request to the final batch of records. (Docket FIC 2025-0037) reported Dec. 4, 2025. In a Department of Revenue Services case, (Docket FIC 2024-0840) the Commission found a delay of "one year, five months and eighteen days" since the original request. In New London, *The Day* newspaper's request for a police report and search warrant took approximately two and a half years to produce. No one could reasonably conclude that 2.5 years is a reasonable length of time to perform.

Adding to the problem of unexplained, unexcused delay is the fact that the labyrinthine process for obtaining public records has become structurally more complex. A law enacted in 2024, which CCFOI opposed, has thrown up new barriers. The law (Public Act 24-81) requires requests for public records that have been shared among state agencies to be sent to the originating agency. This creates new circuitous routes and lengthens waiting time. There is also potential for the requests to get lost as they wend their way through the bureaucratic maze.

In addition, CCFOI strongly supports HB 5250, which is nearly identical to proposals that have been introduced for several years and repeatedly approved by the GAE Committee. However, this uncontroversial bill has died on the calendar for reasons unknown. The bill would primarily clarify statutory language, some of which goes far afield from the mission of the Freedom of Information Commission (FOIC). For example, it currently requires the FOIC to conduct training on smoking and vaping in public buildings.

Two sections of the bill (3 and 7) are especially worthy of your attention. Section 3 would bring CT into the 21st century by expanding the definition of hand-held scanner to include mobile phones with built-in cameras. It's just common sense since nearly all adults nowadays have smartphones. It would make it much easier for citizens to use such devices to copy public records. And it would free up local staff from having to make copies.

Some of the paper records are old, fragile and historically important. Allowing the non-invasive process of smartphone recording would be easier on the paper records, as well as the people. The hand-held scanner definition, written in 2002, is antiquated and a poor fit in today's Connecticut, in which mobile phones, according to census data, are used by an estimated 83 per cent of Americans of all ages. Smartphones now are the dominant way people digitize information, and this compelling reality should be reflected in our law.

Lastly, Section 7 would allow public agencies to send special meeting notices to members electronically rather than delivering them by telegram or in person. This description of the notice procedure, omitting email or mail notification for special meetings, occurred in 2021 when the General Assembly approved a broadly written law expanding procedures for electronic notice and transmission of documents.

Thank you for your consideration.

Respectfully,

Thomas B. Scheffey, CCFOI vice president