

Freedom of Information Commission
Statement to the Gun Violence Prevention Working Group
January 28, 2013

The Freedom of Information Commission is grateful for the opportunity to present a statement to the Working Group as it begins its serious task of addressing gun violence prevention in the wake of the terrible tragedy in Newtown last month. Assuredly, this working group will tackle many important issues in its mission.

The Commission is aware of one proposal which has arisen in response to the tragedy which would make the name and address of a person who holds a permit to sell or carry a pistol or revolver, or an eligibility certificate for a pistol or revolver, subject to the disclosure provisions of the Freedom of Information Act. The Commission would support such a change to our laws. It should be noted that no part of the Second Amendment ensures secrecy of gun ownership. Further, the state issues many types of licenses that are generally public, for if the state has an interest in establishing a licensing process, isn't there a basic interest in knowing who has been granted licenses under that process?

Individuals entitled to sell at retail or to carry handguns must be free of felony convictions, and have no other disqualifying background or history. In some instances, family, friends, neighbors or colleagues may have information pertinent to the application. If the public cannot find out who has been given such licenses, or who has applied for such licenses, they cannot report disqualifying information. If the current confidentiality provisions are not repealed, licenses may be granted with only the cursory review given by over-worked licensing authorities. Without the assistance of the public, there is no practical way to assure that the information provided by an applicant is correct.

Similarly, if the public cannot find out who has been given such licenses, it cannot monitor the job the licensing authorities are doing; for example, are the authorities performing their duties thoroughly and properly? Are the authorities granting or denying applications due to bias or favoritism? In a democratic society there is probably nothing more fundamentally vital for the people to know than whom their police authorities are allowing to carry concealed weapons, and who they are not.

Unfortunately, today there are specific societal reasons why this information must be public from a personal safety point of view. The proliferation of handguns makes it imperative that people be able to find out who may be acquiring handguns and therefore placing them at risk. For example, the increasing instances and level of domestic violence counsel that victims, and those fearful that they may be victims, must be able to find out who is acquiring lethal weapons while in the midst of emotionally charged circumstances such as domestic disputes.

The fears expressed that thieves may use gun permit information to steal guns are purely

speculative. Indeed, a case can be made that gun owners would want thieves to know they are armed so that the thieves would be *dissuaded* from trying anything nefarious.

Some concern has been expressed that allowing the disclosure of the names and addresses of person holding hand gun permits would lead to the disclosure of the residential addresses of judges, law enforcement officers and other similar officials whose employment puts them at risk. However, the Legislature has already made provisions for the protection of certain residential addresses in section 1-217 of the FOI Act, which allows a protected individual to take appropriate steps to protect his or her address.