



House of Representatives

General Assembly

File No. 463

February Session, 2022

House Bill No. 5494

House of Representatives, April 13, 2022

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING THE DISCLOSURE OF CERTAIN CONTACT INFORMATION UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) Any list of contact
2 information or portion of such list, created or modified by a member of
3 the General Assembly or such member's staff for purposes related to the
4 member's public office, shall be confidential and shall not be subject to
5 disclosure under the Freedom of Information Act. Any such list may be
6 disclosed to a public agency of the state for a governmental purpose,
7 provided (1) any such disclosure for a governmental purpose shall not
8 make such list a public record for purposes of the Freedom of
9 Information Act, and (2) such list may not be disclosed or used for
10 purposes of a political campaign, primary, referendum or election. For
11 purposes of this section, "contact information" means an individual's
12 electronic mail address and "Freedom of Information Act" and "public
13 agency" have the same meanings as provided in section 1-200 of the
14 general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2022</i>	New section
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GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

This bill makes a list of email addresses or a portion of the list created or modified by a legislator or their staff for purposes related to the legislator's public office confidential and not subject to disclosure under the Freedom of Information Act. This has no fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 5494*****AN ACT PROHIBITING THE DISCLOSURE OF CERTAIN CONTACT INFORMATION UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill makes a list of email addresses or a portion of the list created or modified by a legislator or his or her staff for purposes related to the legislator's public office confidential and not subject to disclosure under the Freedom of Information Act (FOIA). The bill allows disclosure of this type of list to a state agency for a governmental purpose but specifies that this disclosure does not make the list a public record. (The bill does not define "governmental purpose.") It prohibits the list from being disclosed or used for a political campaign, primary, referendum, or election.

EFFECTIVE DATE: October 1, 2022

BACKGROUND***Related Rulings***

In Declaratory Ruling # 90 (1998), the Freedom of Information Commission (FOIC) ruled that, generally, correspondence between legislators and constituents (1) is not disclosable under FOIA if it relates to casework (e.g., a request to assist the constituent with a matter involving a state agency) but (2) is disclosable under FOIA if it relates to enacting legislation.

FOIC later ruled the following in contested cases:

1. Constituent email addresses were not subject to disclosure under FOIA when the constituents had emailed a legislator about a bill; among other things, the addresses appeared automatically when sending an email and were not provided intentionally or

voluntarily (FIC 2013-183 and FIC 2013-194 (2014)).

2. Email addresses provided intentionally and voluntarily to subscribe to a legislator’s electronic newsletter were subject to disclosure under FOIA (FIC 2016-0483 (2017)).
3. Email addresses contained in a constituent contact database were subject to disclosure under FOIA because they were from various sources and not connected or otherwise associated with any particular correspondence (FIC 2020-0362 (2022)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 6 (03/28/2022)