



Senate

General Assembly

File No. 565

January Session, 2023

Substitute Senate Bill No. 1157

Senate, April 13, 2023

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING EMPLOYEES OF PUBLIC AGENCIES.

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

1 Section 1. Subsection (a) of section 1-217 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (a) No public agency may disclose, under the Freedom of Information
5 Act, from its personnel, medical or similar files, the residential address
6 of any of the following persons employed by such public agency:

7 (1) A federal court judge, federal court magistrate, judge of the
8 Superior Court, Appellate Court or Supreme Court of the state, or
9 family support magistrate;

10 (2) A sworn member of a municipal police department, a sworn
11 member of the Division of State Police within the Department of

12 Emergency Services and Public Protection or a sworn law enforcement
13 officer within the Department of Energy and Environmental Protection;

14 (3) An employee of the Department of Correction;

15 (4) An attorney-at-law who represents or has represented the state in
16 a criminal prosecution;

17 (5) An attorney-at-law who is or has been employed by the Division
18 of Public Defender Services or a social worker who is employed by the
19 Division of Public Defender Services;

20 (6) An inspector employed by the Division of Criminal Justice;

21 (7) A firefighter;

22 (8) An employee of the Department of Children and Families;

23 (9) A member or employee of the Board of Pardons and Paroles;

24 (10) An employee of the judicial branch;

25 (11) An employee of the Department of Mental Health and Addiction
26 Services who provides direct care to patients;

27 (12) A member or employee of the Commission on Human Rights
28 and Opportunities; [or]

29 (13) A state marshal appointed by the State Marshal Commission
30 pursuant to section 6-38b;

31 (14) An employee of the disability determination services unit within
32 the Department of Aging and Disability Services;

33 (15) An employee of the Bureau of Rehabilitation Services within the
34 Department of Aging and Disability Services; and

35 (16) An employee of the Office of the Attorney General.

36 Sec. 2. Subsection (b) of section 1-214 of the general statutes is

37 repealed and the following is substituted in lieu thereof (*Effective July 1,*
38 *2023*):

39 (b) (1) Whenever a public agency receives a request to inspect or copy
40 records contained in any of its employees' personnel or medical files and
41 similar files, and the agency reasonably believes that the disclosure of
42 such records would legally constitute an invasion of privacy, the agency
43 shall immediately notify in writing (A) each employee concerned,
44 provided such notice shall not be required to be in writing where
45 impractical due to the large number of employees concerned, and (B)
46 the collective bargaining representative, if any, of each employee
47 concerned.

48 (2) Whenever a public agency receives a request to inspect or copy
49 records contained in any of its employees' personnel or medical files and
50 similar files, and the agency reasonably believes that the disclosure of
51 such records would not legally constitute an invasion of privacy, either
52 (A) the agency shall first disclose the requested records to the person
53 making the request to inspect or copy such records and subsequently,
54 within a reasonable time after such disclosure, make a reasonable
55 attempt to send a written or an electronic copy of the request to inspect
56 or copy such records, if applicable, or a brief description of such request,
57 to each employee concerned and the collective bargaining
58 representative, if any, of each employee concerned, or (B) in the case of
59 a mass request, prior to disclosing such records to the person making
60 such request, the agency shall make a reasonable attempt to send a
61 written or electronic copy of the request to inspect or copy such records,
62 or a brief description of such request, to each employee concerned and
63 the collective bargaining representative, if any, of each employee
64 concerned. For purposes of this subdivision, "mass request" means a
65 request concerning fifty or more employees.

66 (3) Nothing in this section shall require an agency to withhold from
67 disclosure the contents of personnel or medical files and similar files
68 when it does not reasonably believe that such disclosure would legally
69 constitute an invasion of personal privacy.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2023</i>	1-217(a)
Sec. 2	<i>July 1, 2023</i>	1-214(b)

GAE *Joint Favorable Subst.*

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 has no fiscal impact. The bill serves to expand the list of information that would be exempt from Freedom of Information requests. This does not obligate the state to any further action.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1157*****AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING EMPLOYEES OF PUBLIC AGENCIES.*****SUMMARY**

This bill adds employees in the (1) Office of the Attorney General (OAG) and (2) Department of Aging and Disability Services' (ADS) (a) disability determination services unit and (b) Bureau of Rehabilitation Services to the list of individuals covered by the Freedom of Information Act's (FOIA) limitation on disclosing home addresses (see BACKGROUND). In doing so, it prohibits OAG and ADS from disclosing the covered employees' home addresses from personnel, medical, or similar files. The bill also allows the covered OAG and ADS employees to request address confidentiality from other public agencies (and from OAG and ADS, as applicable, with respect to records besides those described above).

The bill also requires public agencies that receive a "mass request" (i.e., one that concerns 50 or more employees) under FOIA to inspect or copy records contained in any of their employees' personnel, medical, or similar files to make a reasonable attempt to notify the employees and their collective bargaining representatives before disclosing the records. This provision applies to mass requests for records for which the agency reasonably believes disclosure does not constitute an invasion of privacy. Under current law for these records, the agency must first disclose the records before attempting to notify the affected employee(s) and collective bargaining representative(s).

EFFECTIVE DATE: July 1, 2023

ADDRESS CONFIDENTIALITY

The bill prohibits OAG and ADS from disclosing the covered employees' home addresses from personnel, medical, or similar files. It also allows covered employees to request address confidentiality from other public agencies (and from OAG and ADS, as applicable, with respect to records besides those described above). To do so, the employees must follow existing law's procedures for other covered individuals, including submitting a written request to the agency and providing it with his or her business address.

An agency that receives a FOIA request concerning a covered OAG or ADS employee who requested address confidentiality must redact the employee's home address only from records provided in response to a request that specifically names the covered individual. Additionally, the agency must make reasonable efforts to redact their addresses before releasing (1) an existing list derived from a readily accessible electronic database and (2) any list that the agency voluntarily creates in response to a request for disclosure. The law permits disclosure of a covered individual's residential address in any other type of record (other than OAG's or ADS's personnel, medical, or similar files, as described above).

As under existing law for other covered individuals, the disclosure prohibition also does not apply to home addresses of the covered OAG or ADS employees contained in (1) documents eligible to be recorded in municipal land records; (2) any list required by the state's election laws (e.g., voter registry lists, petition forms, logs of absentee ballot applications); or (3) municipal grand lists.

MASS REQUESTS

Under current law, if a public agency receives a request to inspect or copy records contained in any of its employees' personnel, medical, or similar files, and it reasonably believes that disclosure would not constitute an invasion of privacy, it must (1) first disclose the records and (2) within a reasonable period after disclosure, make a reasonable attempt to send to each employee involved and any collective

bargaining representative a written or electronic copy of the request, if applicable, or a brief description of the request.

The bill creates an exception to this requirement for records described above that are part of a “mass request.” It instead requires the agency to make a reasonable attempt to notify each employee involved and any collective bargaining representative before disclosing the records. Specifically, the agency must make a reasonable attempt to send a written or electronic copy of the request or a brief description of it.

Under existing law, unchanged by the bill, an agency need not withhold a personnel, medical, or similar file from disclosure if it does not reasonably believe that disclosure would legally constitute an invasion of personal privacy.

BACKGROUND

Covered Individuals

The following public officials and employees are covered by FOIA’s home address disclosure limitation:

1. federal court judges and magistrates;
2. Connecticut Superior and Appellate Court judges, Supreme Court justices, and family support magistrates;
3. sworn members of municipal police departments or the State Police and sworn law enforcement officers in the Department of Energy and Environmental Protection;
4. employees of the judicial branch and the departments of Correction and Children and Families;
5. attorneys who represent or have represented the state in a criminal prosecution;
6. attorneys who are or have been employed by the Public Defender Services Division and social workers employed by the division;
7. Division of Criminal Justice inspectors;

8. firefighters;
9. members and employees of the Board of Pardons and Paroles and the Commission on Human Rights and Opportunities;
10. Department of Mental Health and Addiction Services employees who provide direct patient care; and
11. state marshals appointed by the State Marshal Commission.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/24/2023)