

Government Administration and Elections Committee
JOINT FAVORABLE REPORT

Bill No.: SB-1221

AN ACT CONCERNING THE ENFORCEMENT OF VIOLATIONS OF THE
FREEDOM OF INFORMATION ACT AND THE REPORTING OF OPEN

Title: REQUESTS.

Vote Date: 03/24/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/20/2023

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

This bill seeks to increase the maximum penalty for certain violations of the Freedom of Information Act to ten thousand dollars, from the previous one thousand. This bill also seeks to permit the Freedom of Information Commission to seek judicial relief for certain public agency misconduct and to require public agencies to post information about open requests monthly. And to allow the commission to seek further injunctive, relief and damages should it be found that this behavior is a pattern by any agency.

RESPONSE FROM ADMINISTRATION/AGENCY:

Colleen M. Murphy, Executive Director, General Counsel, FOIC: Ms. Murphy and the FOIC, note their support for 1221, but asks that this proposal clarify what "an obstruction of the public's right to access information" means and to whom damages, attorney's fees, and costs" apply to. While the FOIC does support section 2 of the bill, they note that updating a list monthly may prove burdensome to smaller municipalities. Too conclude they also add that they believe the proposals in this bill should exclude routine requests for information

Judicial Branch, External Affairs Division: The Judicial Branch of the State of Connecticut, notes that they have significant concerns regarding the implementation of this bill, and that several parts of the bill are unclear about specific policies regarding what information would be required.

Danté Bartolomeo, Commissioner, Department of Labor: Commissioner Bartolomeo notes the good intention of SB-1221, but states that "Given our current system, to comply with Section 2, CTDOL would require additional technology and permanent staff resources". The Commissioner further notes that in order to comply with Section 2 of this bill, a new intake portal for the Department of Labor would need to be developed, and additional permanent staff would be required.

NATURE AND SOURCES OF SUPPORT:

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): Ms. Zaccagnino and the ACLU-CT offer strong support for SB-1221 stating that "Injustice thrives in the dark. The ability to shed sunlight on government action through Freedom of Information (FOI) requests is essential to holding public officials accountable and to preventing state-sanctioned discrimination, abuse, and mismanagement". They then note how Bridgeport has violated FOI laws openly thirty-six times in the last ten years and has been subject to more than two hundred and fifty FOI complaints. They conclude their testimony by once more urging support for SB-1221.

Jeffrey Daniels, Co-chair, Legislative Committee of the Connecticut Council on Freedom of Information: Mr. Daniels issues his strong support for SB-1221, stating that it "would significantly enhance penalties for non-compliance with FOI orders". Mr. Daniels concludes his testimony noting that this bill, ensures that there will be consequences for all agencies that are obligated to release information and refuse.

NATURE AND SOURCES OF OPPOSITION:

The Connecticut Conference of Municipalities: The CCM notes that they support transparency and the mission of the FOIC but issues their concerns over the increase in fine violations, and section 2. They ask that members of the committee consider a scaled fine system and note that section 2 would require towns and municipalities to "compile and post a list concerning requests for a copy of a public record under Section 1-212". They note this would be burdensome and costly to municipalities. They conclude their testimony by urging opposition to SB-1221.

Betsy Gara, Executive Director, Connecticut Council of Small Towns: Ms. Gara and COST, note concerns with section 2 of this bill, noting that it imposes an administrative burden upon all municipalities. They suggest that alternatively, this burden be placed only upon municipalities that have been engaging in a pattern of obstruction to the public's access to information.

Dan Marcil: Dan Marcil notes opposition to SB-1221

Linda Dalessio, Taxpayer: Ms. Dalessio opposes SB-1221, noting that this bill is a further erosion of individual constitutional freedom.

Anonymous, Concerned Citizen: Anonymous concerned citizen opposes all bills.

The following individuals submitted testimony in opposition to SB-1221, they cited reasons similar to those mentioned in aforementioned testimony:

Anonymous

Reported by: Thomas Togneri

Date: 03-24-2023