

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-200—sSB 1221

Government Administration and Elections Committee

Judiciary Committee

**AN ACT CONCERNING THE ENFORCEMENT OF VIOLATIONS OF
THE FREEDOM OF INFORMATION ACT**

SUMMARY: This act increases, from \$1,000 to \$5,000, the maximum civil penalty that the Freedom of Information Commission (FOIC) may impose for certain Freedom of Information Act (FOIA) violations. As under existing law, the commission may impose the penalty against a records custodian or official responsible for denying a right conferred by FOIA (e.g., a request to inspect or copy a public record) if it finds that the denial was without reasonable grounds. FOIC may impose the penalty after giving the custodian or official an opportunity for a hearing.

The act also expands the circumstances under which FOIC may issue an order or impose a civil penalty. Under existing law, when a person files an appeal with FOIC against a public agency, the commission may confirm the agency's action or order it to provide relief that the commission believes is appropriate to rectify the denial. Under the act, if the commission finds that a public agency is engaging in (1) a practice or pattern of conduct that constitutes an obstruction of any right conferred by FOIA or (2) reckless, willful, or wanton misconduct in delaying or denying responses to public records requests, then it may take the following actions:

1. impose a civil penalty of \$20 to \$5,000 against a custodian or other official of the public agency and
2. order other relief that it determines is appropriate to correct the obstruction or misconduct and deter the agency from violating FOIA.

Under the act, FOIC may make these findings when a public agency's denial of a FOIA right is appealed to the commission and after a hearing. The act allows FOIC to apply to the New Britain Superior Court for an order requiring the public agency to comply with a commission-issued order related to these findings.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2023