

Questions for Freedom of Information Commission Nominees

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Freedom of Information Commission ([CGS §§ 1-205](#) and [1-205a](#))

The Freedom of Information Commission (FOIC) consists of nine members. The governor appoints five members who serve four-year, staggered terms. The Senate president pro tempore, House speaker, Senate minority leader, and House minority leader each appoint one member who serves a two-year term. No more than five members may be from the same political party. Either chamber of the General Assembly confirms (only the governor's nominees are subject to confirmation).

The FOIC staff is composed of (1) an executive director and general counsel, (2) a managing director and associate general counsel, and (3) other staff as the executive director deems necessary. The commission reviews complaints of Freedom of Information Act (FOIA) violations and ensures that the public has access to government records and notice of public meetings. It can investigate allegations and, among other things, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses. The FOIC must conduct annual training sessions to educate state employees about FOIA.

Questions

1. How easy or difficult is it for public agencies to interpret and comply with FOIA? What steps can the commission take to improve compliance? How can agencies reduce the cost of compliance?
2. The commission has reported an increasing number of requests for speakers and workshops as part of its educational programs. What are the most common topics or questions you are asked to cover?

3. The commission has reported receiving an average of more than 800 formal complaints per year. How challenging is it to resolve these complaints in a timely manner? Are there any steps the commission can take to process them more efficiently (e.g., use of mediation, ombudsman, etc.)?
4. According to the commission, its budget has been reduced by nearly 40% since 2011. How have these reductions impacted FOIC's work?
5. [PA 18-95](#) added to the factors that FOIC must consider when determining whether to hear certain appeals brought under FOIA and established a procedure under which public agencies may petition FOIC for relief from "vexatious requesters." Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year. Has FOIC granted any such relief since then? Is the process working, or are further changes needed?
6. In 2018, the legislature considered [SHB 5271](#), which sought to redefine the term "public agency" for FOIA purposes to include, among other entities, any organization established by a commission, task force, working group, or any other body created in statute including any 501(c)(3) nonprofit organization. In doing so, it would potentially broaden the commission's jurisdiction. Do you think such an expansion is still warranted, and if so, can FOIC handle the additional workload this may create?
7. Public records often include information provided by private individuals, whether voluntarily or involuntarily. Do you believe that FOIA requires too much disclosure of information concerning private individuals, or does it strike the right balance between their privacy and the public's right to know? Please explain.
8. The Internet has enabled private individuals to publish public records, such as voter registry lists, that may contain sensitive information about other people (e.g., birth dates). For the past five years, the legislature has considered bills to limit access to voter registration information, including 2019's [sHB 7321](#) and [HB 7392](#). What are your thoughts on these proposals?
9. Public officials increasingly use personal devices (e.g., smartphones) and e-mail accounts to conduct public business. What are your thoughts on this practice? What steps can agencies take to ensure that public records sent to and from these devices and accounts remain available for public inspection?
10. Responding to increasing FOIA requests for body camera video footage can require significant resources for law enforcement agencies. Is the current fee structure adequate to cover these costs, or should it be updated?

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