

---

## OLR Bill Analysis

### HB 5250

#### ***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE FREEDOM OF INFORMATION COMMISSION FOR REVISIONS TO THE FREEDOM OF INFORMATION ACT.***

#### **SUMMARY**

This bill makes several unrelated changes to the Freedom of Information Act (FOIA). Among other things, it:

1. conforms the law on trainings given by the Freedom of Information Commission (FOIC) to current practice (§ 1);
2. clarifies which public agencies must be named in an appeal to FOIC when a request to inspect or copy a record is denied under FOIA's safety risk exemption (§ 2);
3. explicitly allows the copying of public records using mobile telephones or cameras (§ 3);
4. limits the applicability of FOIA's definition of "governmental function" so that it applies only to a statute on contracts for performing a governmental function, rather than throughout FOIA (§§ 4-6); and
5. allows notice of a special meeting to be sent to a public agency's members electronically (§ 7).

Lastly, the bill makes technical and conforming changes. Among other things, it amends provisions on the awarding of state government information technology contracts to remove erroneous references to (1) FOIC training and fees for copying public records and (2) the statutory list of department heads (§§ 8-10).

EFFECTIVE DATE: October 1, 2026

**§ 1 — FOIC TRAINING**

The law requires FOIC to hold annual training sessions for members of public agencies on FOIA's provisions (such as public record and meeting-related requirements). The bill eliminates requirements for FOIC to hold training on (1) physical requirements for public records (such as standard ink) and (2) the general prohibition on smoking indoors. It adds requirements for the commission to hold trainings on (1) contracts for the performance of a governmental function, (2) veterans' military records, (3) court actions involving FOIA, and (4) the commission's recommended budget appropriations and allotments.

**§ 2 — SAFETY RISK APPEALS**

Under FOIA, an executive branch state agency that receives a request to disclose records potentially subject to FOIA's safety risk exemption (CGS § 1-210(b)(19)) must consult with the Department of Administrative Services (DAS) commissioner before disclosing the records. A municipal, regional, or district agency must consult with the Department of Emergency Services and Public Protection (DESPP) commissioner. In both cases, FOIA allows the applicable commissioner to direct the custodial agency to withhold the record from disclosure.

Under current law, any FOIC appeal of a denial based on FOIA's safety risk exemption must be filed against the state, municipal, regional, or district agency that issued the directive to withhold the record. Under the bill, the appeal must be filed against both the agency with custody of the record and the commissioner (DAS or DESPP, as applicable) that directed the agency to withhold the record.

**§ 3 — USING MOBILE PHONES AND CAMERAS TO MAKE COPIES**

The bill explicitly allows people to copy public records using mobile telephones, cameras, or other portable devices capable of capturing an image of a public record. It does so by deeming these devices to be "hand-held scanners" under FOIA's copies and scanning of public records provision, which also allows public agencies to set a fee structure for copying records with a hand-held scanner at the agency.

FOIA allows (1) individuals to use a hand-held scanner to copy

records and (2) public agencies to charge up to \$20 each time someone uses a scanner to copy records at the agency. Currently under FOIA, a “hand-held scanner” is a battery-operated electronic scanning device that leaves no mark or impression on the records and does not unreasonably interfere with the agency’s operations.

#### **§§ 4-6 — GOVERNMENTAL FUNCTION**

Under FOIA, a “governmental function” generally includes a public agency program’s administration or management by a person that, among other things, participates in making governmental policies or decisions connected to the program’s administration or management. It does not include the mere provision of goods or services to a public agency without delegated program management or administration responsibilities. The bill limits this definition’s applicability so that it remains applicable only to a statute on contracts for performing a governmental function, rather than throughout FOIA as under current law (see BACKGROUND).

Under current law, “governmental function” also appears in a FOIA provision generally prohibiting public agencies from entering into contracts that impair the public’s right to inspect or copy records stored in a computer system the agency owns, leases, or uses in the course of its governmental functions. The bill makes a conforming change by eliminating the reference to governmental functions.

#### **§ 7 — NOTICE ABOUT A SPECIAL MEETING**

FOIA generally requires public agencies to give at least 24 hours’ notice of a special meeting unless there is an emergency. The bill allows public agencies to send a notice about a special meeting to their members either electronically or by mail to their homes. Current law requires that the notice be delivered to the member’s home, but it also allows members to waive delivery of the notice by filing a written waiver with the agency’s clerk or secretary. The bill allows members to submit these waivers electronically or by mail and eliminates the option to send them by telegram.

**BACKGROUND**

***Contract for Performance of a Governmental Function***

By law, each contract exceeding \$2.5 million between a public agency and a person for the performance of a “governmental function” must state that the public agency is entitled to a copy of records and files related to the performance of the governmental function. The contract must also indicate that these records or files are subject to FOIA and may be disclosed by the public agency under FOIA.

**COMMITTEE ACTION**

Government Oversight Committee

Joint Favorable

Yea 12 Nay 0 (03/17/2026)