



House of Representatives

General Assembly

File No. 316

February Session, 2026

House Bill No. 5250

House of Representatives, April 1, 2026

The Committee on Government Oversight reported through REP. DATHAN of the 142nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. Subsection (e) of section 1-205 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2026*):

4 (e) The Freedom of Information Commission shall conduct training
5 sessions, at least annually, for members of public agencies for the
6 purpose of educating such members as to the requirements of this
7 section and sections [1-7 to 1-14, inclusive, 1-16 to 1-18, inclusive,] 1-200
8 to 1-202, inclusive, as amended by this act, [1-205,] 1-205a, 1-206, 1-210
9 to [1-217] 1-219, inclusive, as amended by this act, 1-225 to 1-232,
10 inclusive, as amended by this act, and 1-240 [, 1-241 and 19a-342] to 1-
11 242, inclusive.

12 Sec. 2. Subsection (d) of section 1-210 of the 2026 supplement to the

13 general statutes is repealed and the following is substituted in lieu
14 thereof (*Effective October 1, 2026*):

15 (d) Whenever a public agency, except the Judicial Department or
16 Legislative Department, receives a request from any person for
17 disclosure of any records described in subdivision (19) of subsection (b)
18 of this section under the Freedom of Information Act, the public agency
19 shall promptly notify the Commissioner of Administrative Services or
20 the Commissioner of Emergency Services and Public Protection, as
21 applicable, of such request, in the manner prescribed by such
22 commissioner, before complying with the request as required by the
23 Freedom of Information Act. If the commissioner, after consultation
24 with the chief executive officer of the applicable agency, believes the
25 requested record is exempt from disclosure pursuant to subdivision (19)
26 of subsection (b) of this section, the commissioner may direct the agency
27 to withhold such record from such person. In any appeal brought under
28 the provisions of section 1-206 of the Freedom of Information Act for
29 denial of access to records for any of the reasons described in
30 subdivision (19) of subsection (b) of this section, such appeal shall be
31 against (1) the chief executive officer of the executive branch state
32 agency or the municipal, district or regional agency that maintains or
33 has custody of the requested record, and (2) the commissioner who
34 issued the directive to the public agency that maintains or has custody
35 of such record to withhold such record pursuant to subdivision (19) of
36 subsection (b) of this section, [exclusively, or,] except in the case of
37 records concerning Judicial Department facilities, such appeal shall be
38 against the Chief Court Administrator [or,] and in the case of records
39 concerning the Legislative Department, such appeal shall be against the
40 executive director of the Joint Committee on Legislative Management.

41 Sec. 3. Subsection (g) of section 1-212 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective October*
43 *1, 2026*):

44 (g) Any individual may copy a public record through the use of a
45 hand-held scanner. A public agency may establish a fee structure not to

46 exceed twenty dollars for an individual to pay each time the individual
47 copies records at the agency with a hand-held scanner. As used in this
48 section, "hand-held scanner" means a battery operated electronic
49 scanning device the use of which (1) leaves no mark or impression on
50 the public record, and (2) does not unreasonably interfere with the
51 operation of the public agency. "Hand-held scanner" includes, but is not
52 limited to, a mobile telephone, a camera or any other portable device
53 capable of capturing an image of a public record.

54 Sec. 4. Section 1-200 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2026*):

56 As used in this chapter, the following words and phrases have the
57 following meanings, except where such terms are used in a context
58 which clearly indicates the contrary:

59 (1) "Public agency" or "agency" means:

60 (A) Any executive, administrative or legislative office of the state or
61 any political subdivision of the state and any state or town agency, any
62 department, institution, bureau, board, commission, authority or official
63 of the state or of any city, town, borough, municipal corporation, school
64 district, regional district or other district or other political subdivision of
65 the state, including any committee of, or created by, any such office,
66 subdivision, agency, department, institution, bureau, board,
67 commission, authority or official, and also includes any judicial office,
68 official, or body or committee thereof but only with respect to its or their
69 administrative functions, and for purposes of this subparagraph,
70 "judicial office" includes, but is not limited to, the Division of Public
71 Defender Services;

72 (B) Any person to the extent such person is deemed to be the
73 functional equivalent of a public agency pursuant to law; or

74 (C) Any "implementing agency", as defined in section 32-222.

75 (2) "Meeting" means any hearing or other proceeding of a public
76 agency, any convening or assembly of a quorum of a multimember

77 public agency, and any communication by or to a quorum of a
78 multimember public agency, whether in person or by means of
79 electronic equipment, to discuss or act upon a matter over which the
80 public agency has supervision, control, jurisdiction or advisory power.
81 "Meeting" does not include: Any meeting of a personnel search
82 committee for executive level employment candidates; any chance
83 meeting, or a social meeting neither planned nor intended for the
84 purpose of discussing matters relating to official business; strategy or
85 negotiations with respect to collective bargaining; a caucus of members
86 of a single political party notwithstanding that such members also
87 constitute a quorum of a public agency; an administrative or staff
88 meeting of a single-member public agency; and communication limited
89 to notice of meetings of any public agency or the agendas thereof. A
90 quorum of the members of a public agency who are present at any event
91 which has been noticed and conducted as a meeting of another public
92 agency under the provisions of the Freedom of Information Act shall not
93 be deemed to be holding a meeting of the public agency of which they
94 are members as a result of their presence at such event.

95 (3) "Caucus" means (A) a convening or assembly of the enrolled
96 members of a single political party who are members of a public agency
97 within the state or a political subdivision, or (B) the members of a
98 multimember public agency, which members constitute a majority of
99 the membership of the agency, or the other members of the agency who
100 constitute a minority of the membership of the agency, who register
101 their intention to be considered a majority caucus or minority caucus, as
102 the case may be, for the purposes of the Freedom of Information Act,
103 provided (i) the registration is made with the office of the Secretary of
104 the State for any such public agency of the state, in the office of the clerk
105 of a political subdivision of the state for any public agency of a political
106 subdivision of the state, or in the office of the clerk of each municipal
107 member of any multitown district or agency, (ii) no member is
108 registered in more than one caucus at any one time, (iii) no such
109 member's registration is rescinded during the member's remaining term
110 of office, and (iv) a member may remain a registered member of the
111 majority caucus or minority caucus regardless of whether the member

112 changes his or her party affiliation under chapter 143.

113 (4) "Person" means natural person, partnership, corporation, limited
114 liability company, association or society.

115 (5) "Public records or files" means any recorded data or information
116 relating to the conduct of the public's business prepared, owned, used,
117 received or retained by a public agency, or to which a public agency is
118 entitled to receive a copy by law or contract under section 1-218, as
119 amended by this act, whether such data or information be handwritten,
120 typed, tape-recorded, videotaped, printed, photostated, photographed
121 or recorded by any other method.

122 (6) "Executive sessions" means a meeting of a public agency at which
123 the public is excluded for one or more of the following purposes: (A)
124 Discussion concerning the appointment, employment, performance,
125 evaluation, health or dismissal of a public officer or employee, provided
126 that such individual may require that discussion be held at an open
127 meeting; (B) strategy and negotiations with respect to pending claims or
128 pending litigation to which the public agency or a member thereof,
129 because of the member's conduct as a member of such agency, is a party
130 until such litigation or claim has been finally adjudicated or otherwise
131 settled; (C) matters concerning security strategy or the deployment of
132 security personnel, or devices affecting public security; (D) discussion
133 of the selection of a site or the lease, sale or purchase of real estate by the
134 state or a political subdivision of the state when publicity regarding such
135 site, lease, sale, purchase or construction would adversely impact the
136 price of such site, lease, sale, purchase or construction until such time as
137 all of the property has been acquired or all proceedings or transactions
138 concerning same have been terminated or abandoned; and (E)
139 discussion of any matter which would result in the disclosure of public
140 records or the information contained therein described in subsection (b)
141 of section 1-210.

142 (7) "Personnel search committee" means a body appointed by a public
143 agency, whose sole purpose is to recommend to the appointing agency
144 a candidate or candidates for an executive-level employment position.

145 Members of a "personnel search committee" shall not be considered in
146 determining whether there is a quorum of the appointing or any other
147 public agency.

148 (8) "Pending claim" means a written notice to an agency which sets
149 forth a demand for legal relief or which asserts a legal right stating the
150 intention to institute an action in an appropriate forum if such relief or
151 right is not granted.

152 (9) "Pending litigation" means (A) a written notice to an agency which
153 sets forth a demand for legal relief or which asserts a legal right stating
154 the intention to institute an action before a court if such relief or right is
155 not granted by the agency; (B) the service of a complaint against an
156 agency returnable to a court which seeks to enforce or implement legal
157 relief or a legal right; or (C) the agency's consideration of action to
158 enforce or implement legal relief or a legal right.

159 (10) "Freedom of Information Act" means this chapter.

160 [(11) "Governmental function" means the administration or
161 management of a program of a public agency, which program has been
162 authorized by law to be administered or managed by a person, where
163 (A) the person receives funding from the public agency for
164 administering or managing the program, (B) the public agency is
165 involved in or regulates to a significant extent such person's
166 administration or management of the program, whether or not such
167 involvement or regulation is direct, pervasive, continuous or day-to-
168 day, and (C) the person participates in the formulation of governmental
169 policies or decisions in connection with the administration or
170 management of the program and such policies or decisions bind the
171 public agency. "Governmental function" shall not include the mere
172 provision of goods or services to a public agency without the delegated
173 responsibility to administer or manage a program of a public agency.]

174 [(12)] (11) "Electronic equipment" means any technology that
175 facilitates real-time public access to meetings, including, but not limited
176 to, telephonic, video or other conferencing platforms.

177 [(13)] (12) "Electronic transmission" means any form or process of
178 communication not directly involving the physical transfer of paper or
179 another tangible medium, which (A) is capable of being retained,
180 retrieved and reproduced by the recipient, and (B) is retrievable in paper
181 form by the recipient.

182 Sec. 5. Section 1-218 of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2026*):

184 (a) For purposes of this section, "governmental function" means the
185 administration or management of a program of a public agency, which
186 program has been authorized by law to be administered or managed by
187 a person, where (1) the person receives funding from the public agency
188 for administering or managing the program, (2) the public agency is
189 involved in or regulates to a significant extent such person's
190 administration or management of the program, whether or not such
191 involvement or regulation is direct, pervasive, continuous or day-to-
192 day, and (3) the person participates in the formulation of governmental
193 policies or decisions in connection with the administration or
194 management of the program and such policies or decisions bind the
195 public agency. "Governmental function" does not include the mere
196 provision of goods or services to a public agency without the delegated
197 responsibility to administer or manage a program of a public agency.

198 (b) Each contract in excess of two million five hundred thousand
199 dollars between a public agency and a person for the performance of a
200 governmental function shall (1) provide that the public agency is
201 entitled to receive a copy of records and files related to the performance
202 of the governmental function, and (2) indicate that such records and files
203 are subject to the Freedom of Information Act and may be disclosed by
204 the public agency pursuant to the Freedom of Information Act. No
205 request to inspect or copy such records or files shall be valid unless the
206 request is made to the public agency in accordance with the Freedom of
207 Information Act. Any complaint by a person who is denied the right to
208 inspect or copy such records or files shall be brought to the Freedom of
209 Information Commission in accordance with the provisions of sections

210 1-205, as amended by this act, and 1-206.

211 Sec. 6. Subsection (b) of section 1-211 of the general statutes is
212 repealed and the following is substituted in lieu thereof (*Effective October*
213 *1, 2026*):

214 (b) Except as otherwise provided by state statute, no public agency
215 shall enter into a contract with, or otherwise obligate itself to, any person
216 if such contract or obligation impairs the right of the public under the
217 Freedom of Information Act to inspect or copy the agency's nonexempt
218 public records existing on-line in, or stored on a device or medium used
219 in connection with, a computer system owned, leased or otherwise used
220 by the agency. [in the course of its governmental functions.]

221 Sec. 7. Subsection (d) of section 1-225 of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective October*
223 *1, 2026*):

224 (d) (1) Notice of each special meeting of every public agency, except
225 for the General Assembly, either house thereof or any committee
226 thereof, shall be posted not less than twenty-four hours before the
227 meeting to which such notice refers on the public agency's Internet web
228 site, if available, and given not less than twenty-four hours prior to the
229 time of such meeting by filing a notice of the time and place thereof in
230 the office of the Secretary of the State for any such public agency of the
231 state, in the office of the clerk of such subdivision for any public agency
232 of a political subdivision of the state and in the office of the clerk of each
233 municipal member for any multitown district or agency.

234 (2) The secretary or clerk shall cause any notice received under this
235 section to be posted in his or her office, and in the case of a notice of a
236 public agency of the state filed with the secretary, on the Secretary of the
237 State's Internet web site. Such notice shall be given not less than twenty-
238 four hours prior to the time of the special meeting; provided, in case of
239 emergency, except for the General Assembly, either house thereof or
240 any committee thereof, any such special meeting may be held without
241 complying with the foregoing requirement for the filing of notice but a

242 copy of the minutes of every such emergency special meeting
243 adequately setting forth the nature of the emergency and the
244 proceedings occurring at such meeting shall be filed with the Secretary
245 of the State, the clerk of such political subdivision, or the clerk of each
246 municipal member of such multitown district or agency, as the case may
247 be, not later than seventy-two hours following the holding of such
248 meeting. The notice shall specify the time and place of the special
249 meeting and the business to be transacted. No other business shall be
250 considered at such meetings by such public agency.

251 (3) In addition, such written notice shall be delivered by electronic
252 transmission or by mail to the usual place of abode of each member of
253 the public agency so that the same is received prior to such special
254 meeting. The requirement of delivery of such written notice may be
255 dispensed with as to any member who at or prior to the time the meeting
256 convenes files with the clerk or secretary of the public agency a written
257 waiver of delivery of such notice. Such waiver may be given by
258 [telegram] electronic transmission or by mail. The requirement of
259 delivery of such written notice may also be dispensed with as to any
260 member who is actually present at the meeting at the time it convenes.

261 (4) Nothing in this section shall be construed to prohibit any agency
262 from adopting more stringent notice requirements.

263 Sec. 8. Subdivision (1) of section 4d-30 of the general statutes is
264 repealed and the following is substituted in lieu thereof (*Effective October*
265 *1, 2026*):

266 (1) "Contract" means a contract for state agency information system
267 or telecommunication system facilities, equipment or services, which is
268 awarded pursuant to this chapter or [subsection (e) of section 1-205,]
269 subsection (c) of section 1-211, [subsection (b) of section 1-212, section 4-
270 5,] subsection (a) of section 10a-151b [,] or subsection (b) of section 19a-
271 110.

272 Sec. 9. Section 4d-47 of the general statutes is repealed and the
273 following is substituted in lieu thereof (*Effective October 1, 2026*):

274 With respect to any state employee whose position is eliminated or
275 who is laid off as a result of any contract or amendment to a contract
276 which is subject to the provisions of this chapter and [subsection (e) of
277 section 1-205,] subsection (c) of section 1-211, [subsection (b) of section
278 1-212, section 4-5,] section 4a-50, 4a-51, subsection (b) of section 4a-57,
279 subsection (a) of section 10a-151b [,] or subsection (b) of section 19a-110,
280 or any subcontract for work under such contract or amendment, (1) the
281 contractor shall hire the employee, upon application by the employee,
282 unless the employee is hired by a subcontractor of the contractor, or (2)
283 the employee may transfer to any vacant position in state service for
284 which such employee is qualified, to the extent allowed under the
285 provisions of existing collectively bargained agreements and the general
286 statutes. If the contractor or any such subcontractor hires any such state
287 employee and does not provide the employee with fringe benefits which
288 are equivalent to, or greater than, the fringe benefits that the employee
289 would have received in state service, the state shall, for two years after
290 the employee terminates from state service, provide to the employee
291 either (A) the same benefits that such employee received from the state,
292 or (B) compensation in an amount which represents the difference in the
293 value of the fringe benefits that such employee received when in state
294 service and the fringe benefits that such employee receives from the
295 contractor or subcontractor.

296 Sec. 10. Section 4d-48 of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective October 1, 2026*):

298 No contract or subcontract for state agency information system or
299 telecommunication system facilities, equipment or services may be
300 awarded to any business entity or individual pursuant to this chapter or
301 [subsection (e) of section 1-205,] subsection (c) of section 1-211,
302 [subsection (b) of section 1-212, section 4-5,] subsection (a) of section 10a-
303 151b [,] or subsection (b) of section 19a-110, if such business entity or
304 individual previously had a contract with the state or a state agency to
305 provide information system or telecommunication system facilities,
306 equipment or services and such prior contract was finally terminated by
307 the state or a state agency within the previous five years for the reason

308 that such business entity or individual failed to perform or otherwise
 309 breached a material obligation of the contract related to information
 310 system or telecommunication system facilities, equipment or services. If
 311 the termination of any such previous contract is contested in an
 312 arbitration or judicial proceeding, the termination shall not be final until
 313 the conclusion of such arbitration or judicial proceeding. If the fact-
 314 finder determines, or a settlement stipulates, that the contractor failed
 315 to perform or otherwise breached a material obligation of the contract
 316 related to information system or telecommunication system facilities,
 317 equipment or services, any award of a contract pursuant to said chapter
 318 or sections during the pendency of such arbitration or proceeding shall
 319 be rescinded and the bar provided in this section shall apply to such
 320 business entity or individual.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	1-205(e)
Sec. 2	October 1, 2026	1-210(d)
Sec. 3	October 1, 2026	1-212(g)
Sec. 4	October 1, 2026	1-200
Sec. 5	October 1, 2026	1-218
Sec. 6	October 1, 2026	1-211(b)
Sec. 7	October 1, 2026	1-225(d)
Sec. 8	October 1, 2026	4d-30(1)
Sec. 9	October 1, 2026	4d-47
Sec. 10	October 1, 2026	4d-48

GOS *Joint Favorable*

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**

The bill makes a variety of changes related to the Freedom of Information Act (FOIA) and its process, and updates the statute to align with current training practices of the Freedom of Information Commission (FOIC), resulting in no fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

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)