

Department of Administrative Services
Guidelines for Records Requests that Implicate Public Safety
Under the Freedom of Information Act
(Executive Branch State Agencies)

Please carefully read Connecticut General Statutes § 1-210 (b) (19) and (d). These guidelines are for use when an agency believes it necessary to withhold all or portions of requested public records under the safety risk exemption.

When an Executive Branch state agency receives a request for records under the Freedom of Information Act (FOIA) and the agency has reasonable grounds to believe that disclosure of such records may result in a risk to public safety, the agency shall notify the Department of Administrative Services (DAS). DAS is then responsible for making a determination, after consultation with the agency head of the requesting agency, as to that risk and for giving further direction to the agency.

1. Notice to the Department of Administrative Services (DAS)

If an executive branch state agency (“agency”) receives a request from any person for disclosure of any records that may fall into the safety risk exemption, the agency head should send a letter to the DAS Commissioner, Department of Administrative Services, 450 Columbus Boulevard, Suite 1501 Hartford, CT 06103. To discuss the matter in advance, you may contact: Michael Barrera, Michael.Barrera@ct.gov or at (860) 713-5267.

The letter should describe the requested records and should articulate, as specifically as possible, the basis of the agency’s claim for exemption. You should arrange for the relevant DAS Legal or Security personnel to inspect the records as soon as practicable.

If a request involves information related to a public service company, as defined in section 16-1, or a certified telecommunications provider, as defined in section 16-1, please notify the company and indicate that a safety risk determination with regard to the records is pending.

2. Notes on documentation

You are welcome to send the entire file being requested, but we ask that in your transmittal letter you identify the specific pages and documents where the exemption is being invoked.

If only a portion of the record is to be exempt, please provide a copy with the exempted information highlighted or otherwise specifically indicated.

Please indicate if the requested records are otherwise in the public domain.

Please do not send the original documents.

3. DAS Review

Upon receipt of the records or completion of their inspection, DAS will conduct an analysis and review of the information in the request. DAS security and legal staff will review the documents and advise the DAS Commissioner. The DAS Commissioner or their designee will consult your agency head with respect to the requested records to determine reasonable grounds for the exemption.

4. DAS Determination

The DAS Commissioner will make a determination as to whether the requested records are exempt from disclosure under the safety risk exemption. If it is determined that the exemption should apply, DAS will notify the relevant agency personnel accordingly by issuing a letter. The requesting agency may be directed to withhold the records or may be directed to release a redacted version. DAS may also notify the requesting agency that it cannot authorize the exemption pursuant to *Connecticut General Statutes § 1-210 (b) (19) and (d)*.

5. Miscellaneous

Should an agency choose to invoke other exemptions from FOIA, it is not necessary to notify DAS.

Workplace violence incident reports or investigation notes are not specifically indicated in the FOIA exemptions. To the extent information in these reports may implicate a safety risk and/or include items listed in Section 1-210 (b)(19), such records may be submitted for DAS review on a case-by-case basis.

6. Questions

Any questions on this process or the FOIA exemption to which this process applies may be directed to the DAS legal team, (860) 713-5267.