

# Freedom of Information Commission

## *At a Glance*

**COLLEEN M. MURPHY, *Executive Director/General Counsel***  
**Mary E. Schwind, *Managing Director/Associate General Counsel***  
**Thomas A. Hennick, *Public Education Officer***  
***Established – 1975***  
***Statutory Authority – CGS Section 1-200 et. Seq.***  
***Central Office – 18-20 Trinity Street, Hartford, CT 06106***  
***Number of Employees – 14***  
***Recurring operating expenses – \$1,618,072***  
***Organizational structure – Commission***

## **Mission**

*To ensure citizen access to the records and meetings of all public agencies in Connecticut in support of the public's right to know.*

## **Statutory Responsibility**

To ensure that all public agencies comply with the Freedom of Information Act (FOIA).

## **Public Service**

The Commission holds hearings and renders decisions on citizen complaints alleging denial of access under the FOIA. It also conducts educational programs and prepares literature for public officials and the general public.

## **Improvements/Achievements 2019-2020**

The Commission continued its efforts to efficiently tackle its heavy volume of contested cases, placing emphasis on its ombudsman program as it had done the previous year. In 2019, staff resolved 544, or 71%, of the 764 cases, without a hearing. The remaining 220, or 29%, either went to a hearing, are scheduled for a hearing or may be resolved short of a hearing.

Nonetheless, the continuing proliferation of formal complaints makes accomplishing such efficiencies a formidable task. In 2019, the Commission received 764 formal complaints. Beginning in March 2020 as some people's attention turned away from governmental activities

in the wake of a serious health crisis, the number of FOI complaints declined slightly. But, residents' interest in open and accessible government did not disappear. Even with an ongoing pandemic, as of August 31, 2020, the Commission was on pace for more than 600 complaints for the calendar year. Prior to 2006, the highest number of complaints ever received by the Commission was 676 in 2000. The Commission now averages more than 800 formal complaints a year, with 807 in calendar year 2008, 792 in 2009, 806 in 2010, 719 in 2011, 730 in 2012, 810 in 2013, 941 in 2014, 899 in 2015, 890 in 2016, 770 in 2017, 757 in 2018 and 764 in 2019.

In other matters of interest:

- The Commission's most critical accomplishment may well have been its ability to function effectively during the ongoing pandemic. Forced to leave their offices like most other state workers, commission staff tackled ever-present technological issues to perform many statutory tasks from their homes. Commission meetings were suspended for three months and contested case hearings for five at the height of the pandemic. Despite the lack of a full time IT department, commission staff members worked diligently from March until June devising the system that allowed commission meetings and ultimately contested case hearings to resume telephonically. During the same time period, staff continued to prepare Hearing Officers' reports for cases already heard to help alleviate the inevitable backlog that will develop once more hearings are held. Staff also continued to mediate pending complaints, retrieve and answer phoned in question calls and e-mails on a daily basis and conduct educational workshops remotely (see below). The Commission was (and remains) extremely concerned that the reduction in its budget in recent years will have a detrimental impact on the Commission's ability to carry out its core services and responsibilities, and that it will curtail the right of the citizens of Connecticut to open and accountable government.
- Until the pandemic halted its outreach programs, the Commission was receiving an ever-increasing number of requests for speakers and workshops. From January 1 to March 5, 2020 the commission provided 27 workshops. At that pace, the 2020 total would have surpassed 140. In 2019, the Commission provided 105 speaking programs. A total of 14 workshops were postponed as was the popular FOI Conference which drew a record 233 attendees in 2019. The Commission adjusted to the "new normal" and began offering remote workshops in April. A total of 12 have been given with five more already scheduled. The Commission also began scheduling in person workshops in safe, socially distanced scenarios with limited attendance. Commission staff provided two back-to-back workshops in one location in order to keep the crowd below the number prescribed by the Governor's executive orders.
- The pandemic did not stop Connecticut's citizens and officials from contacting the Commission with phone calls and e-mailed questions on a daily basis. In any given week, the commission continues to answer 100-150 calls or e-mails with questions from Connecticut's citizens and public officials.

- The Commission remains in constant dialogue with the Legislature about all proposed legislation that could impact the people's right to know. This year's session was cut short because of the pandemic, but in the early months, Commission staff reviewed bills and submitted testimony until the legislative process ground to a halt. Staff consulted with the Governor's office about the FOI aspects of his executive orders and also with legislators about the police accountability bill, HB 6004, which became Public Act 20-1

### **Reducing Waste**

The Commission is committed to regular reviews of its current operating procedures aimed at reducing waste and increasing efficiency.

### **Strategic Planning**

- Hear and resolve contested cases in a timely fashion;
- Settle contested cases informally through ombudsman program;
- Defend the Commission through staff counsel in court appeals;
- Conduct workshops, provide speakers, publish Commission reports and other literature;
- Develop public policy positions with regard to issues of information accessibility, especially as they relate to such matters as emerging information technologies;
- Render declaratory rulings of general applicability under the FOIA;
- Expand and broaden community outreach program

### **Information Reported as Required by State Statute**

The Commission is committed to equal employment opportunities for all.