

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 – 165 Capitol Ave., Hartford, CT 06106
Number of Employees – 15
Recurring operating expenses – \$1,707,192
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 administer and enforce the provisions of the Freedom of Information Act.

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 2020-2021

The Commission continued its efforts to efficiently tackle its heavy volume of contested cases, placing emphasis on its ombudsman program as it had done in previous years. In 2020, staff resolved 381, or 58%, of the 660 cases, without a hearing. The remaining 279, or 42%, 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 2020, the Commission received 660 formal complaints, lower than in recent years as some people's attention turned away from governmental activities in the wake of a serious public health crisis. But, residents' interest in open and accessible government did not disappear entirely and, based on current numbers, has been reenergized. Even with an ongoing pandemic, as of August 31, 2021, the Commission was on pace for more than 750 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 796 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, 764 in 2019 and 660 in 2020.

In other matters of interest:

- The Commission's most critical accomplishment may well have been its ability to function effectively during the ongoing pandemic. Initially 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. Then, when buildings were reopened at limited capacity, staff juggled responsibilities from the office and remote locations in an attempt to fully restart commission operations. Unfortunately, at least five months of hearing time was lost due to the pandemic and then earlier this year more hearing time was lost when commission offices were moved to their new location at 165 Capitol Avenue. Despite the lack of a full time IT department, commission staff members worked diligently devising the system that allowed commission meetings and ultimately contested case hearings to resume remotely. Staff is now working on a system that will allow more than one hearing to be held at the same time which should help alleviate the inevitable backlog that has occurred. 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 past 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.
- Even though the pandemic temporarily halted its outreach programs, the Commission still handled its ever-increasing number of requests for speakers and workshops by pivoting to remote sessions in addition to in person presentations. Before the pandemic halted all workshops for almost three full months in 2020, the Commission was on pace for more than 130 in the calendar year. Nonetheless, in 2020, a total of 73 workshops were given to entities around the state, both in person and over various platforms like Zoom and Teams. In contrast, the Commission provided 105 speaking programs in 2019. Many of the workshops that were postponed in 2020 have since been rescheduled but the popular FOI Conference, which drew a record 233 attendees in 2019, was postponed for a second year due to public health concerns. The Commission is hopeful that a conference will be held in 2022. Through August 31, 2021, the Commission had conducted 56 workshops and was on pace for more than 100 by year's end. In the last 20 years, the Commission has offered more than 1600 workshops.
- 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. Many of the questions this year centered on the Governor's

Executive Orders and beginning in July of 2021, new provisions in the law governing the conduct of remote and hybrid meetings. The Commission's goal was to guide agencies to conduct those meetings in as transparent a manner as possible.

- The Commission remains in constant dialogue with the Legislature about all proposed legislation that could impact the people's right to know. For the second consecutive year, this year's session was heavily impacted by the pandemic. Most of the interaction with legislators and all hearings were done via electronic equipment. During the regular and special legislative sessions, the Commission monitored 185 bills. A total of 107 received public hearings and FOI Commission staff prepared statements for and/or testified on 20 of those bills. Staff consulted with the Governor's office about the FOI aspects of his executive orders and also with legislators about multiple proposals aimed at codifying the use of electronic equipment to conduct public meetings. Ultimately, some Commission suggestions were incorporated into Section 149 of Public Act 21-02 concerning public meetings being held via electronic equipment. Staff members also are being consulted by the state's Advisory Committee on Intergovernmental Relations which is monitoring and reviewing the impact of Public Act 21-2.

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.