

*The following summary of section 1-217 of the Freedom of Information Act concerning the nondisclosure of residential addresses of certain individuals was drafted by counsel at the FOIC. It is provided only as a guide. While every effort has been made to ensure an accurate interpretation of the provision, the public is encouraged to consult an official copy of section 1-217.*

### **A Primer Regarding the Nondisclosure of Residential Addresses**

- I. Section 1-217 applies only to 13 categories of protected government employees.
- II. Land records (Gen. Stat. §7-35bb), voter lists (Title 9), and grand lists (Gen. Stat. §12-55) are no longer subject to the nondisclosure requirements of §1-217.
- III. All other records are permitted to be disclosed without redaction of residential addresses, **except for the following:**
  - (A) A public agency must redact the residential addresses contained in the *personnel, medical and similar files* of the agency's employees who are members of one of the protected groups.
    1. Applies only to an agency employee who is a member of one of the 13 categories, not all public employees.
    2. Applies even without affirmative notification by employee that she/he is a member of a protected class and does not want residential address disclosed.
    3. Court decisions have defined personnel and similar files to be those that are used to make employment related decisions; files are similar to medical files if they are used to make medical related decisions.
    4. Disclosure of personnel, medical, or similar files pursuant to some other law or order (such as in a deposition, in court, to another agency as required by a law other than the FOI Act), does not trigger the prohibitions of §1-217.
  - (B) A public agency shall redact a protected person's residential address from a record to be disclosed in response to a FOI request that "*specifically names*" a person who has requested address confidentiality under §1-217, where the protected person has:
    1. submitted a written request for nondisclosure to such public agency, ***and***
    2. furnished his or her business address to such public agency.
  - (C) A public agency shall make a "*reasonable effort*" to redact a protected person's residential address from a record to be disclosed in response to a FOI request where the protected person has:
    1. submitted a written request for nondisclosure to such public agency, ***and***
    2. furnished his or her business address to such public agency; ***and***
    3. the request:

- a. is for an existing list derived from a *searchable* electronic database (“readily accessible”); **OR**
- b. is for any list that the agency “*voluntarily creates*” *in response to* a FOI request for disclosure.

IV. The business address is always subject to disclosure. Section 1-217 applies only to residential addresses.

V. Penalty Provisions:

- (A) As with all other alleged violations of the FOI Act, the FOIC is the *exclusive* body to adjudicate complaints.
- (B) “Willful and knowing” standard. This means that a violation of the FOI Act is found only where a public agency, official, or employee knows that §1-217 protects a residential address from disclosure, as described in paragraph III (A), (B), and (C), above, and intentionally discloses the address anyway. There is no violation for mistakes or errors, even if the agency or official should have known that the address was protected.
- (C) Where the FOIC finds a willful and knowing violation, the FOIC has discretion whether to impose a civil penalty and the amount of any penalty (between \$20 and \$1,000).
- (D) Section 1-217 does not permit a private right of action against the public agency, official or employee of such agency for wrongful disclosure; that is, §1-217 does not permit a protected person to sue a public agency, official or employee for violating §1-217.