

In Advisory Opinion 41, the Connecticut Freedom of Information Commission addressed the following question:

What means must a public agency use to assure compliance with the provisions of CGS §1-225 when it wishes to conduct all or part of a meeting by telephone or other electronic equipment?

The Connecticut Freedom of Information Act defines a meeting as, "any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power." (CGS §1-200(2))

However, CGS §1-225(a) states in relevant part that the "meetings of all public agencies...shall be open to the public."

Accordingly, any telephonic meeting, or meeting by other electronic equipment, of a public agency must still be "open to the public," within the meaning of CGS §1-225.

The Commission believes that the phrase "open to the public" contemplates public access to the entire proceedings taking place during the course of a meeting. Compliance with CGS §1-225, therefore, requires that a meeting of a public agency be conducted in such a manner that every person in attendance has the opportunity to observe all of the discussions and actions transpiring at the meeting. In the context of a meeting held by means of telephonic or electronic equipment, the following minimum conditions must be met:

1. Facility must be made for that portion of the public that wishes to attend the meeting to be present at a place where the greatest number of participating agency members are located.
2. If any agency member or other participant in the meeting utilizes physical or demonstrable material in the course of the proceedings, that material, or a copy or facsimile of same, must be present in the place where the public is located. That material also must be available for public observation and inspection, unless otherwise exempt from disclosure under CGS §1-210(b).
3. All those in attendance at the meeting, at whatever location, must be able to hear and identify adequately all participants in the proceedings, including their individual remarks and votes. While the Commission does not have the technical expertise to advise which telephonic or electronic devices would meet this condition now or in the future, existing conference call equipment in conjunction with loudspeakers may be adequate for this purpose.

While the Advisory Opinion does not address all possible modes of achieving compliance with the current use of technology, agencies should exercise their judgment, keeping all of the principles set forth in the Opinion in mind, and plan accordingly.

Please contact our staff with any questions you may have.