

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 – \$1,630,782

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 2021-2022

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 2021, staff resolved 524, or 71%, of the 735 cases, without a hearing. The remaining 211, 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 2021, the Commission received 735 formal complaints, closer to the norm than in 2020 when some people's attention turned away from governmental activities in the wake of a serious public health crisis. Prior to 2006, the highest number of complaints ever received by the Commission was 676 in 2000. The Commission now averages 791 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, 660 in 2020 and 735 in 2021.

In other matters of interest:

- Like most public agencies, the Commission has spent the past year trying to move past the obstacles in its way caused by the pandemic. As was the case last year, the Commission's most critical accomplishment may well have been its ability to function effectively and move slowly toward a more normal modus operandi while tackling a pandemic-induced backlog of contested cases. A particular challenge has been trying to reduce the backlog while continuing to meet statutory obligations to hear cases filed after July 1, 2021 within one year. Staff developed a system that allows more than one hearing to be held at the same time which should help alleviate the backlog that has occurred. Staff also continued to juggle responsibilities from the office and remote locations in an attempt to fully restart commission operations. Despite the lack of a full time IT department, commission staff members worked diligently and devised the process that takes into account all health and safety concerns while allowing commission meetings and contested case hearings to resume in person. Staff continued to mediate pending complaints, answer phoned in question calls and e-mails on a daily basis and conduct educational workshops remotely and in person.
- After a pandemic-induced reduction in outreach programs in 2020, the Commission saw a resumption of its ever-increasing number of requests for speakers and workshops in 2021. By virtue of swiftly pivoting to remote sessions at the height of the pandemic, the Commission was able to offer remote and in person presentations in 2021 depending on the wishes of the entity requesting a presentation. In 2021, a total of 90 workshops were given to entities around the state, both in person and over various platforms like Zoom and Teams. Many of the workshops that were postponed due to the pandemic have been rescheduled but the popular FOI Conference, which drew a record 233 attendees in 2019, was postponed for a third year due to public health concerns. The Commission is hopeful that a conference will be held in 2023. Through August 31, 2022, the Commission had conducted 78 workshops and was on pace for more than 100 by year's end. In the last 20 years, the Commission has offered more than 1700 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 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 after the

passage of Public Act 22-3 which removed an April 2022 “sunset” date for remote meeting provisions in state law.

- The Commission remains in constant dialogue with the Legislature about all proposed legislation that could impact the people’s right to know. For the third 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 110 bills. A total of 105 received public hearings and FOI Commission staff prepared statements for and/or testified on 19 of those bills. Staff consulted with legislators about multiple proposals aimed at codifying the use of electronic equipment to conduct public meetings.

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.