



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
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Jim Haddadin

Complainant(s)

Notice of Meeting

against

Docket #FIC 2025-0845

Executive Director, State of Connecticut, General Assembly, Office of Legislative Management; and State of Connecticut, General Assembly, Office of Legislative Management

Respondent(s)

September 1, 2026

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

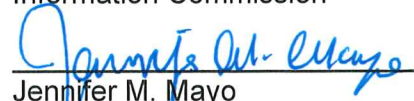
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, September 9, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 8, 2026.** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 8, 2026.** PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE September 8, 2026** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission



Jennifer M. Mayo
Acting Clerk of the Commission

Notice to: Jim Haddadin
Assistant Attorney General Alma R. Nunley
Assistant Attorney General Benjamin Abrams

FIC# 2025-0845/ITRA/CZH//RB/JMM/2026-09-1

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Jim Haddadin,

Complainant

against

Docket #FIC 2025-0845

Executive Director, State of Connecticut,
General Assembly, Office of Legislative
Management; and State of Connecticut,
General Assembly, Office of Legislative
Management,

Respondents

September 1, 2026

The above-captioned matter was heard as a contested case on May 26, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

The Commission takes administrative notice of its Final Decision in Docket #FIC 2024-0659, John DiIorio v. Executive Director, State of Connecticut, General Assembly, Office of Legislative Management, et al. (October 22, 2025) (“Docket #FIC 2024-0659”).¹ See paragraphs 43 through 49, below.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated August 20, 2025, the complainant requested copies of certain records from the respondents.
3. It is found that, by email dated August 21, 2025, the complainant clarified his August 20th records request and requested copies of the following records:
 - (a) “all written or electronic communications created or received by Democratic members of the Senate and/or their staff during

¹ The Commission notes that, at the time of the issuance of the Report of Hearing Officer in this matter, Docket #FIC 2024-0659 was the subject of an administrative appeal pending in the Superior Court. Executive Director, Office of Legislative Management, State of Connecticut, Connecticut General Assembly, et al. v. Freedom of Information Commission, et al., No. HHB-CV25-6101490-S (Conn. Super. Ct.).

the period from Jan. 1, 2023 through Dec. 31, 2023 that include any of the following phrases:

- ‘Society of Human Engagement’
- ‘SHEBA’
- ‘Sonserae’
- ‘Cicero’
- ‘Cicreo-Hamlin’
- ‘Youth Summer Workforce’”;

(b) “and all electronic communications Democratic members of the Senate and/or their staff sent to or received from the email address sonseraec@shebatrailblazer.com during the period from Jan. 1, 2023 through December 31, 2023.”

4. It is found that, by email dated August 25, 2025, the respondents acknowledged the complainant’s request described in paragraph 3, above. It is also found that, by separate email dated August 25, 2025, the respondents informed the complainant that the keyword “Cicero” was resulting in a large volume of records and asked the complainant if he would narrow his request.

5. It is found that, by email dated August 25, 2025, the complainant agreed to remove “Cicero” as a keyword from the search terms requested.

6. It is found that, by email dated August 26, 2025, the respondents informed the complainant that they were transitioning to a new database platform for managing and responding to public records requests and that the complainant’s request would be manually entered in such database platform.

7. It is found that, by email dated September 8, 2025, the complainant requested a status update on his records request, and by email dated September 11, 2025, the respondents replied that the complainant’s records request was still being processed.

8. By letter of complaint, dated and filed September 22, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records, described in paragraph 3, above, as amended by paragraph 5, above.

9. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

10. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

11. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

12. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

13. It is found that on January 12, 2026, the respondents provided the complainant with approximately ten to twelve responsive emails, and on February 19, 2026, the respondents provided the complainant with one additional responsive record.

14. At the hearing on this matter, the respondents contended that they properly withheld responsive records because such records are exempt from disclosure pursuant to the “legislative privilege” arising out of the “Speech or Debate” clause of Article third, §15, of the Connecticut Constitution. Alternatively, the respondents also claimed that the vast majority of the withheld records are entirely exempt from disclosure as preliminary drafts or notes.

15. On July 13, 2026, by order of the hearing officer, the respondents submitted to the Commission unredacted copies of the withheld records, described in paragraph 14, above, for in camera inspection, along with an in camera index. Such records shall be identified hereinafter as IC-2025-0845-1 through IC-2025-0845-7517, or the “in camera records”.²

16. On the in camera index, the respondents contended that all in camera records are exempt from disclosure pursuant to the “CT Const. Art. II; Art. III Sec. 15” (i.e., the “‘Speech or Debate’ clause”) and, for the first time, §1-210(b)(10), G.S., (i.e., the “common law legislative privilege”. See paragraph 50, below). Alternatively, the respondents also claimed that the vast majority of the in camera records are exempt from disclosure pursuant to §1-210(b)(1), G.S., with the exception of IC-2025-0845-7459, IC-2025-0845-7461, IC-2025-0845-7463, and IC-2025-0845-7477. The respondents further claimed that all of the in camera records are entirely exempt from disclosure, pursuant to the above claimed exemptions, with the exception of IC-

² The Commission notes that the numbering on the in camera records is inconsistent, such that some in camera records have each page numbered and others only number the first page of a specific in camera record. Although such inconsistency does not affect identification of the in camera records using the in camera index, the Commission notes that this discrepancy means there are more than 7517 pages of in camera records but fewer than 7517 individual in camera records.

2025-0845-7477, which they contend is partially exempt from disclosure, due to waiver, and was provided to the complainant with redactions.

Preliminary Drafts or Notes

17. With regard to the respondents claim that all of the responsive records, with the exception of IC-2025-0845-7459, IC-2025-0845-7461, IC-2025-0845-7463, and IC-2025-0845-7477, are exempt from disclosure, pursuant to §1-210(b)(1), G.S., such statute provides that disclosure is not required of “[p]reliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.”

18. The Supreme Court ruled in Wilson v. Freedom of Information Commission, 181 Conn. 324, 332 (1980) (“Wilson”), that:

[w]e do not think the concept of preliminary, as opposed to final, should depend upon who generates the notes or drafts, or upon whether the actual documents are subject to further alteration....

Instead the term ‘preliminary drafts or notes’ relates to advisory opinions, recommendations, and deliberations comprising part of the process by which government decisions and policies are formulated....

...[p]reliminary drafts or notes reflect that aspect of an agency’s function that precedes formal and informal decision making. We believe that the legislature sought to protect the free and candid exchange of ideas, the uninhibited proposition and criticism of options that often precedes, and usually improves the quality of, governmental decisions. It is records of this preliminary, deliberative and predecisional process the exemption was meant to encompass.

19. The year following Wilson, the Connecticut General Assembly passed Public Act 81-431, which added to the FOI Act the language now codified in §1-210(e)(1), G.S.³ That provision, which narrowed the exemption for preliminary drafts or notes, provides in relevant part:

[n]otwithstanding [§1-210(b)(1)], disclosure shall be required of:

[i]nteragency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary

³ The Commission notes that the respondents failed to raise or address the applicability of §1-210(e)(1), G.S., both at the contested case hearing in this matter and in their post-hearing brief.

draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency.... (emphasis added).

20. In Van Norstrand v. Freedom of Information Commission, 211 Conn. 339, 343 (1989) (“Van Norstrand”), the Supreme Court provided further guidance regarding “preliminary drafts”. Citing the dictionary definition, the court stated that the term “preliminary” means “something that precedes or is introductory or preparatory”, and “describes something that is preceding the main discourse or business.” Id. According to the Court, “[b]y using the nearly synonymous words ‘preliminary’ and ‘draft’, the legislation makes it very evident that preparatory materials are not required to be disclosed.” Id.

21. Accordingly, §§1-210(b)(1) and 1-210(e)(1), G.S., together, permit nondisclosure of records of an agency’s preliminary, predecisional, deliberative process, provided that the agency has determined that the public interest in withholding the records clearly outweighs the public interest in disclosing them and provided further that such records are not interagency or intra-agency memoranda or letters, advisory opinions, recommendations, or reports that are not subject to revision. See Shew v. Freedom of Information Commission, 245 Conn. 149, 164-166 (1998).

22. With regard to the “balancing test” required by §1-210(b)(1), G.S., it is well established that the responsibility for making the determination as to what is in the public interest is on the agency that maintains the records. See Van Norstrand at 345. The agency must have considered in good faith the effect of disclosure and indicated the reasons for its determination to withhold disclosure, which reasons may not be frivolous or patently unfounded. Id., citing Wilson at 339. See also People for Ethical Treatment of Animals, Inc. v. Freedom of Information Commission, 321 Conn. 805, 816-817 (2016). Thus, the only determination for the Commission to make is whether the reasons for nondisclosure given by the agency are frivolous or patently unfounded. See Lewin v. Freedom of Information Commission, 91 Conn. App. 521, 522-523 (2005); Coalition to Save Horsebarn Hill v. Freedom of Information Commission, 73 Conn. App. 89, 99 (2002).

Internal Draft Legislation vs. Finalized Committee Bills

23. Based upon a careful in camera inspection, it is found that a significant portion of the in camera records consist of draft legislation, which the Commission, under a similar set of facts involving the same respondents, previously determined constitutes preliminary drafts or notes within the meaning of §1-210(b)(1), G.S., and further, that such draft legislation is not “[i]nteragency ... memoranda or letters, advisory opinions, recommendations or any report” that is required to be disclosed pursuant to §1-210(e), G.S. See Docket #FIC 2024-0659, John DiIorio v. Executive Director, State of Connecticut, General Assembly, Office of Legislative Management, et al. (October 22, 2025); See also Docket #FIC 2019-0271, Kristen Festa v. Executive Director, State of Connecticut, Office of Legislative Management, et al. (February 26, 2020) (finding that proposed legislation in its draft form that was shared by and between staff

members of the Connecticut General Assembly are preliminary notes or drafts within the meaning of §1-210(b)(1), G.S., and are not required to be disclosed pursuant to §1-210(e), G.S.).

24. It is also found that the respondents conducted the balancing test described in paragraph 22, above, and made the determination that withholding draft legislation and notes thereto clearly outweighed the public's interest in disclosure, in part, because conceptual legislative proposals and unrefined versions of draft legislation could vary from the final versions of legislation ultimately submitted as a proposed bill, and the public's access to such preliminary versions of such legislation would negatively impact the legislative process of the General Assembly.⁴

25. It is found that the respondents undertook the balancing test in good faith, and provided reasons for nondisclosure of the draft legislation that are not frivolous or patently unfounded.

26. Accordingly, based upon a careful in camera inspection, it is found that the following in camera records are preliminary drafts or notes within the meaning of §1-210(b)(1), G.S.:

IC-2025-0845-97 through IC-2025-0845-132; IC-2025-0845-134 through IC-2025-0845-294; IC-2025-0845-297 through IC-2025-0845-392; IC-2025-0845-396 through IC-2025-0845-492; IC-2025-0845-495 through IC-2025-0845-590; IC-2025-0845-592 through IC-2025-0845-1180; IC-2025-0845-1182 through IC-2025-0845-1280; IC-2025-0845-1282 through IC-2025-0845-1670; IC-2025-0845-1675 through IC-2025-0845-1773; IC-2025-0845-1776 through IC-2025-0845-2438; IC-2025-0845-2441 through IC-2025-0845-3273; IC-2025-0845-3278 through IC-2025-0845-4110; IC-2025-0845-4115 through IC-2025-0845-4947; IC-2025-0845-4952 through IC-2025-0845-5783; IC-2025-0845-5791 through IC-2025-0845-6622; IC-2025-0845-6627 through IC-2025-0845-7458; IC-2025-0845-7460; IC-2025-0845-7462; and IC-2025-0845-7464.

27. It is also found, based upon a careful in camera inspection, that the records identified in paragraph 26, above, do not consist of “[i]nteragency or intra-agency memoranda or letters, advisory opinions, recommendations or any report” and, therefore, are not required to be disclosed pursuant §1-210(e)(1), G.S.

28. Based upon the foregoing, it is concluded that the in camera records described in paragraph 26, above, are permissively exempt from disclosure pursuant to §1-210(b)(1), G.S.

⁴ The Commission notes that the respondents' witness also testified as to the political consequences of an individual legislator's opinions and priorities becoming known during this process. The Commission also notes that the political consequences of an individual legislator are not necessarily the “public interest” contemplated by the requisite balancing test.

29. It is found, however, based upon a careful in camera inspection that IC-2025-0845-3 through IC-2025-0845-11 consist of two raised bills that had already been introduced at the Committee level of the Connecticut General Assembly and were already public at the time that they were sent via email (i.e. IC-2025-0845-2). It is therefore found that IC-2025-0845-3 through IC-2025-0845-11 are not “draft bills” as described on the in camera index, but final versions of raised Committee bills.

30. Accordingly, it is concluded that the in camera records described in paragraph 29, above, are not permissively exempt pursuant to §1-210(b)(1), G.S.

Other “preliminary drafts or notes” records

31. The Commission next considers the remaining in camera records that the respondents claimed are exempt from disclosure as preliminary drafts or notes. It is found that such in camera records consist of email transmittals as well as interagency draft memoranda, recommendations and reports related to draft legislation, the legislative process, the budget process and the budget priorities by certain members or groups of members of the Connecticut General Assembly.

32. The Commission has previously held that non-substantive email transmittals do not constitute “preliminary drafts or notes” within the meaning of §1-210(b)(1), G.S. See e.g., Docket #FIC 2023-0020, Lynn Stanley v. First Selectman, Office of the First Selectman, Town of East Windsor, et al. (January 10, 2024).

33. Based upon a careful in camera inspection, it is found that the following in camera records consist of non-substantive email transmittals that do not constitute “preliminary drafts or notes” within the meaning of §1-210(b)(1), G.S.:

IC-2025-0845-1 through IC-2025-0845-2; IC-2025-0845-12; IC-2025-0845-18; IC-2025-0845-20; IC-2025-0845-22; IC-2025-0845-25; IC-2025-0845-34; IC-2025-0845-41; IC-2025-0845-48; IC-2025-0845-50 through IC-2025-0845-51; IC-2025-0845-53; IC-2025-0845-55; IC-2025-0845-60; IC-2025-0845-62; IC-2025-0845-64; IC-2025-0845-70; IC-2025-0845-72 through IC-2025-0845-73; IC-2025-0845-75 through IC-2025-0845-76; IC-2025-0845-82; IC-2025-0845-88; IC-2025-0845-90; IC-2025-0845-94; IC-2025-0845-96; IC-2025-0845-133; IC-2025-0845-295 through IC-2025-0845-296; IC-2025-0845-393; IC-2025-0845-395; IC-2025-0845-493 through IC-2025-0845-494; IC-2025-0845-591; IC-2025-0845-1775; IC-2025-0845-2439 through IC-2025-0845-2440; IC-2025-0845-3277; IC-2025-0845-4114; IC-2025-0845-4951; IC-2025-0845-5784; IC-2025-0845-5786; IC-2025-0845-6623 through IC-2025-0845-6624; IC-2025-0845-7465 through IC-2025-0845-7468; IC-2025-0845-7470 through IC-2025-0845-7471; IC-2025-0845-7473; IC-2025-0845-7478; IC-2025-0845-7483; IC-2025-0845-7488; IC-2025-0845-7493; IC-2025-0845-7498; IC-2025-0845-7504; and IC-2025-0845-7511.

34. Accordingly, it is found that the in camera records described in paragraph 33, above, are not permissively exempt pursuant to §1-210(b)(1), G.S.

35. Based upon a careful in camera inspection, it is further found that the following in camera records consist of substantive email transmittals, which are part of the respondents' preliminary, predecisional, deliberative process, and therefore constitute preliminary drafts or notes within the meaning of §1-210(b)(1), G.S.: IC-2025-0845-57 through IC-2025-0845-59; IC-2025-0845-68; IC-2025-0845-92; IC-2025-0845-1181; IC-2025-0845-6626; and IC-2025-0845-7475 through IC-2025-0845-7476.

36. It is also found that the email transmittals identified in paragraph 35, above, consist of notes pertaining to the substantive changes to draft legislation, and thus the balancing test conducted by the respondents and described in paragraphs 24 and 25, above, also applies to such in camera records.

37. It is therefore found that the records identified in paragraph 35, above, are permissively exempt from disclosure pursuant to §1-210(b)(1), G.S., unless subject to mandatory disclosure pursuant to §1-210(e)(1), G.S.

38. Based upon a careful in camera inspection, it is found that the remaining in camera records consist of interagency or intra-agency memoranda or letters, advisory opinions, recommendations or reports either contained in, or attached to, communications between legislative staff and/or legislators.

39. It is found that the following in camera records consist of interagency memoranda or letters, advisory opinions, recommendations or reports that were subject to revision prior to submission to or discussion among the members of the public agency:

IC-2025-0845-13 through IC-2025-0845-17; IC-2025-0845-19; IC-2025-0845-21; IC-2025-0845-24; IC-2025-0845-26 through IC-2025-0845-33; IC-2025-0845-35 through IC-2025-0845-40; IC-2025-0845-42 through IC-2025-0845-47; IC-2025-0845-49; IC-2025-0845-52; IC-2025-0845-54; IC-2025-0845-56; IC-2025-0845-59; IC-2025-0845-61; IC-2025-0845-63; IC-2025-0845-65 through IC-2025-0845-67; IC-2025-0845-69; IC-2025-0845-71; IC-2025-0845-74; IC-2025-0845-77 through IC-2025-0845-81; IC-2025-0845-84 through IC-2025-0845-87; IC-2025-0845-89; IC-2025-0845-91; IC-2025-0845-93; IC-2025-0845-95; IC-2025-0845-394; IC-2025-0845-1281⁵; IC-2025-0845-1671 through IC-2025-0845-1774; IC-2025-0845-3274 through IC-2025-0845-3276; IC-2025-0845-4111 through IC-2025-0845-4113; IC-2025-0845-4948 through IC-2025-0845-4950; IC-2025-0845-5785; IC-

⁵ The Commission notes that on the in camera index, IC-2025-0845-1281, is erroneously described as, "Excel attachment 1 to record 1181: notes on draft bill"; however, IC-2025-0845-1281 is more aptly described as "Excel attachment 2...". The Commission also notes that the next five in camera records are also attachments to "record 1181" and misnumbered accordingly.

2025-0845-5787 through IC-2025-0845-5790; IC-2025-0845-6625; IC-2025-0845-7469; IC-2025-0845-7472; 7474; IC-2025-0845-7479 through IC-2025-0845-7482; IC-2025-0845-7484 through IC-2025-0845-7487; and IC-2025-0845-7505 through IC-2025-0845-7510.

40. It is therefore found that the in camera records identified in paragraph 39, above, are permissively exempt from disclosure pursuant to §1-210(e)(1), G.S.

41. It is found, however, that the following in camera records are subject to mandatory disclosure pursuant to §1-210(e)(1), G.S.:

IC-2025-0845-23; IC-2025-0845-7489 through IC-2025-0845-7492; IC-2025-0845-7494 through IC-2025-0845-7497; IC-2025-0845-7500 through IC-2025-0845-7503; and IC-2025-0845-7512 through IC-2025-0845-7517.

42. Based upon all of the foregoing, it is concluded that the respondents did not violate the FOI Act by withholding the in camera records described in paragraphs 26, 35, and 39, above. However, the Commission must also consider the respondents' additional claims of exemption with respect to the records described in paragraphs 29, 33, and 41, above.

The Legislative Privilege

The "Speech or Debate" Clause

43. With respect to the in camera records identified in paragraphs 29, 33, and 41, above, the respondents also contend that such records are exempt from disclosure pursuant to the legislative privilege arising out of the "Speech or Debate" clause of article third, §15, of the Connecticut Constitution. The respondents also contend that IC-2025-0845-7459, IC-2025-0845-7461, IC-2025-0845-7463, and IC-2025-0845-7477 are, likewise, entirely exempt from disclosure pursuant to such legislative privilege. Accordingly, the Commission must address the respondents' claim that such in camera records are entirely exempt from disclosure pursuant to the legislative privilege.

44. Article third, §15, of the Connecticut Constitution provides:

[t]he senators and representatives shall, in all cases of civil process, be privileged from arrest, during any session of the general assembly, and for four days before the commencement and after the termination of any session thereof. ***And for any speech or debate in either house, they shall not be questioned in any other place.***

(Emphasis added).

45. The respondents maintain that the "legislative privilege" derived from the "Speech or Debate" clause of the state constitution acts as a categorical bar to the Commission's ability to

order the disclosure of any records maintained by the respondents that relate to deliberations preceding the passage of the state's budget or bonding process because such processes are "a core legislative function."

46. The respondents also maintain that the in camera records consist of draft legislation, preliminary notes on draft legislation, and emails and notes related to proposed legislation that are part of the budget process and argue that the "legislature continues its core activities, including oversight of budget allocations and deliberation of bonding priorities, after the conclusion of session."

47. In Docket #FIC 2024-0659, the Commission conducted an exhaustive analysis of relevant caselaw, the legislative history behind the FOI Act, as well as arguments related to the Separation of Powers doctrine, and unequivocally rejected a substantially similar claim of the respondents that the "Speech or Debate" clause of Article third, §15, of the Connecticut Constitution acts as a categorical bar to the public's ability to access public records maintained by the legislature. See Docket #FIC 2024-0659, ¶¶ 49-82.

48. The Commission's analysis and conclusion remains unchanged; the legislative privilege arising out of the "Speech or Debate" clause serves an entirely different function that has virtually no overlap with the production of public records under the FOI Act.

49. It is found, therefore, that Article third, §15 of the Connecticut Constitution does not preclude the disclosure of the in camera records identified in paragraph 43, above.

The common law legislative privilege

50. The respondents also contend, for the first time in their post-hearing brief, that the records described in paragraph 43, above, are entirely exempt from disclosure pursuant to the common law legislative privilege, which originates in federal common law.⁶ While the respondents simply refer to §1-210(b)(10), G.S., on the in camera index, it is clear from the arguments put forth in their post-hearing brief that the respondents are claiming that such in camera records are exempt from disclosure, pursuant to §1-210(b)(10), G.S., due to the federal common law legislative privilege.

51. As with the Constitutional legislative privilege, it is clear that the common law legislative privilege is designed to safeguard legislators from being subjected to litigation (civil or criminal) or its accompanying mechanisms (e.g., compelled testimony or production of documents) for those actions that fall within the sphere of "legitimate legislative activities." Nothing in the available jurisprudence suggests that the common law legislative privilege functions as an exception to disclosure of public records under the Connecticut FOI Act. See Docket #FIC 2024-0659; see also Respondents' Brief p. 19 (citing to Jamie G. v. Dep't of

⁶ The Commission notes that the respondents affirmatively declined to raise such argument in Docket #FIC 2024-0459. The Commission also notes that although the respondents previously argued before this Commission that the Connecticut Legislature cannot waive its legislative privilege (see Docket #FIC 2024-0459), the respondents now argue that legislators may waive such privilege, and in fact, did waive such privilege in this matter with respect to IC-2025-0845-7477.

Children & Families, 352 Conn. 736, 749 (2025); Supreme Court of Virginia v. Consumers Union of United States, 446 U.S. 719, 733 (1980)).

52. Making a records request pursuant to the statutory rights set forth in the FOI Act clearly does not constitute a “civil process” as it does not serve notice of litigation. It is the legislatively prescribed mechanism by which to access public records. To the extent state legislators face any inquiry or liability under the FOI Act, it would not be for a *legislative act*, but for failing to disclose public records pursuant to the express statutory requirements of §§1-210(a) and 1-212(a), G.S. It is found that the disclosure of public records does not, in and of itself, implicate the process of legislating.

53. As the cases cited by the respondents make clear, the federal common law legislative privilege, like the Constitutional legislative privilege, protects the respondents from facing inquiry or liability pertaining to their legitimate legislative activities. The FOI Act, rather, simply requires the respondents to disclose public records to persons making requests.

54. It is found that the respondents do not, nor could they reasonably, assert that the production of records *itself* is a legislative act. Rather, it is clear from their testimony and brief, that the respondents assert the legislative privilege because of the contents of the records at issue. Outside of determining whether an exemption to disclosure is available, the FOI Act, and this Commission, are indifferent to the contents of such records and, in any event, are powerless to prosecute or otherwise pursue an action against legislators for what is contained in public records.

55. Finally, it should be noted that the U.S. Supreme Court has extended the protections of legislative immunity to municipal legislators and others acting in a municipal legislative capacity. See Bogan v. Scott-Harris, 523 U.S. 44, 54 (1998). Taking the respondents’ argument regarding common law legislative privilege to its logical conclusion, such privilege would likewise apply to municipal legislators and other public officials acting in a legislative capacity, severely frustrating the purposes of the FOI Act and the General Assembly’s original intent when enacting such Act.

56. It is concluded, therefore, that the federal common law legislative privilege does not prevent the disclosure of the in camera records identified in paragraph 43, above.

57. Accordingly, based upon all of the above, it is further concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the in camera records, described in paragraphs 29, 33, and 41, above, from the complainant.

Adequacy of the Respondents’ Search

58. At the hearing on this matter, the complainant also alleged that the respondents had not conducted a diligent and thorough search for all records responsive to his request described in paragraph 3, above, as amended by paragraph 5, above.

59. The respondents testified, and it is found, that the respondents only ran a search for responsive records through the Connecticut General Assembly’s email system. The respondents

also contended that the respondent Office of Legislative Management (“OLM”) does not have the ability to search the text messages or personal email accounts of individual legislators or staff members.

60. It is found that, although individual legislators may have responsive text messages and/or emails on personal email accounts, such electronic records are not maintained by OLM, unless such electronic records are sent to, or received by, staff members of OLM. See Docket #FIC 2025-0693, Jacqueline Rabe Thomas v. Douglas McCrory, Member, State of Connecticut, State Senate (July 22, 2026), FN 1.

61. It is also found, however, that the respondents failed to prove that they conducted a diligent and thorough search for all electronic communications of OLM staff (i.e., personal email accounts and text messages) and all responsive written communications (i.e., non-electronic communications).

62. Accordingly, it is concluded that the respondents failed to prove that they conducted a diligent and thorough search for all responsive records, and therefore violated the disclosure provisions of §§1-210(a), 1-211(a) and 1-212(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Forthwith, the respondents shall conduct a diligent and thorough search for all responsive records described in paragraph 61 of the findings, above.
2. Within thirty (30) days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with: (a) an affidavit from someone with direct knowledge detailing the search that was conducted for the records described in paragraph 60 of the findings, above; and (b) copies of all responsive records located by such search, unredacted and free of charge.
3. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with copies of the in camera records described in paragraphs 29, 33, and 41 of the findings, above, unredacted and free of charge.
4. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a), 1-211(a), and 1-212(a), G.S.


C. Zack Hyde
as Hearing Officer