FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

John C. DiIorio,

Complainant

against Docket #FIC 2024-0659

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

Respondents October 22, 2025

The above-captioned matter was heard as a contested case on August 7, 2025 and September 8, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

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, on August 27, 2024, as part of their efforts to resolve other contested case hearings before this Commission and to address two other open requests pending with the respondents, the parties entered into a "settlement agreement" to facilitate the production of records responsive to those requests.[1]

3. It is found that as part of that settlement agreement, the respondents agreed to:

   a. Produce records responsive to the complainant's requests that formed the basis for his pending complaints with the Commission;

   b. Conduct an additional search for records; and

[1] The complainant's underlying requests seek draft legislation and related correspondence regarding "Lead Generators."

c. Provide logs for any records the respondents claim are exempt from disclosure which would contain the following information: author(s), recipient(s) (including cc's), date, general description of item and subject, including referenced and related bill numbers, and claimed exemptions.

4. It is found that pursuant to the terms of their settlement agreement, the respondents, in late-October 2024, produced two logs identifying the records withheld from the complainant described in paragraph 3.c., above (i.e., Complainant's Exhibit C (the "DiIorio Log") and Complainant's Exhibit D (the "Cordima Log")).

5. By complaint received and filed on November 4, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by improperly withholding the records identified on the logs described in paragraph 4, above.

6. 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

> [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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

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

9. It is concluded that the records described in paragraphs 2 through 4, above, (the "withheld records") are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that at the hearings on this matter, the complainant indicated that he was no longer challenging: (i) any withheld records identified on the Cordima Log; and (ii) any of the

withheld records identified on the following line items of the DiIorio Log: 13, 15-43, 48, 51, 71-72, and 80-84.[2]

11. Pursuant to an order of the undersigned Hearing Officer, the respondents, on September 24, 2025, submitted to the Commission for in camera inspection unredacted copies of the records they withheld from the complainant that remain at issue in this matter, which are described on the in camera index as 3,846 pages of emails and attachments (the "in camera records"). Such in camera records shall be referred to as IC-2024-0659-0001 through IC-2024-0659-3846.

12. The respondents assert that all of the in camera records are entirely exempt from disclosure pursuant to the "legislative privilege" arising out of the "Speech or Debate" clause of Article third, §15, of the Connecticut Constitution. In the alternative, however, the respondents claim that the in camera records are entirely exempt from disclosure pursuant to the preliminary drafts or notes exemption (i.e., §1-210(b)(1), G.S.), and partially exempt pursuant to the attorney-client privilege (i.e., §1-210(b)(10), G.S.) The Commission first addresses the respondents' claims of exemption pursuant to the FOI Act.

Preliminary Drafts or Notes

13. Section 1-210(b)(1), G.S., provides that disclosure is not required of "preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure."

14. The Connecticut 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,

[2] At the August 7 hearing on this matter, the respondents represented that they had provided the complainant with complete copies of the records identified in line items 13 and 48 of the DiIorio log. The complainant withdrew his challenge to the remaining records identified in paragraph 10, above.

> deliberative and predecisional process the exemption was meant to encompass.

15. 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. 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 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).

16. 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.

17. 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. See Shew v. Freedom of Information Commission, 245 Conn. 149, 164-166 (1998).

18. 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, 211 Conn. 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).

Draft Legislation

19. It is found that a significant portion of the in camera records consist of draft legislation, which the Commission has previously determined constitutes preliminary drafts or notes within the meaning of §1-210(b)(1), G.S. See Docket #FIC 2019-0750, Kevin Rennie v. Deputy General Counsel, Office of Governor Ned Lamont (June 31, 2021); See also Docket #FIC 2019-0271, Kristen Festa v. Executive Director, State of Connecticut, Office of Legislative Management et al. (February 26, 2020).

20. It is further found that the respondents conducted the balancing test described in paragraph 18, above, and concluded 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 greatly from the final versions of legislation ultimately submitted as a proposed bill, and the public's access to such preliminary versions of such legislation may unfairly impact the actual bill ultimately considered by the General Assembly.

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

22. Accordingly, it is concluded that the portions of the in camera records identified in Appendix A to this decision are permissively exempt pursuant to §1-210(b)(1),G.S.

Other alleged "preliminary drafts or notes"

23. The Commission next considers those in camera records that the respondents claimed are exempt as preliminary drafts or notes for which the attorney-client privilege was not also asserted. Such records consist of email transmittals as well as interagency or intra-agency memoranda or letters, advisory opinions, recommendations or reports.

24. 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 Docket #FIC 2023-0020, Lynn Stanley v. First Selectman, Office of the First Selectman, Town of East Windsor et al. (January 10, 2024).

25. It is found that the in camera records, or portions thereof, identified in Appendix B to this decision, consist of the substantive portions of 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.

26. It is further concluded that the email transmittals identified in Appendix B consist of notes pertaining to the substantive changes to draft legislation, and thus the respondents' balancing test described in paragraphs 20 and 21, above, also applies to such portions of the in camera records.

27. It is found, therefore, that the records identified in Appendix B, are permissively exempt pursuant to §1-210(b)(1), G.S.

28. It is found that the following portions of the 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. Accordingly, such records do not constitute "preliminary drafts or notes" unless they are subject to revision prior to submission to or discussion among the members of such agency:

IC-2024-0659-0233 (lines 25-48) through IC-2024-0659-0234

IC-2024-0659-240 through IC-2024-0659-241

IC-2024-0659-994 through IC-2024-0659-1016

IC-2024-0659-1989 through IC-2024-0659-1990

IC-2024-0659-2469 through IC-2024-0659-2470

IC-2024-0659-2703 through IC-2024-0659-2704

IC-2024-0659-3414 through IC-2024-0659-3437

IC-2024-0659-3624 through IC-2024-0659-3626

IC-2024-0659-3628 through IC-2024-0659-3630

IC-2024-0659-3632 through IC-2024-0659-3634

IC-2024-0659-3774 through IC-2024-0659-3777

29. It is found that IC-2024-0659-0233 (lines 25-48) through IC-2024-0659-0234, IC-2024-0659-240 through IC-2024-0659-241, and IC-2024-0659-1989 through IC-2024-0659-1990 consist of correspondence from the Connecticut Department of Banking suggesting revisions to various banking bills to legislators and legislative branch staff members. It is found, therefore, that such portions of the in camera records constitute interagency memoranda, letters, or recommendations that were not subject to further revisions by the Banking Department prior to its submission to or discussion by the respondents. It is concluded, therefore, that such records are not permissively exempt from disclosure pursuant to §1-210(e)(1), G.S.

30. It is found that IC-2024-0659-0994 through IC-2024-0659-1016 consists of a draft version of a bill analysis from the respondents' Office of Legislative Research. It is further found that, on the face of the record, it is clear that such draft was subject to further revisions by the respondents. It is concluded therefore that such records are permissively exempt from disclosure pursuant to §1-210(e)(1), G.S.

31. It is found that IC-2024-0659-2469 through IC-2024-0659-2470 and IC-2024-0659-2703 through IC-2024-0659-2704 consists of a summary of changes to bills written by an Associate Legislative Analyst from the Office of Legislative Research, which was sent to various legislators and other legislative staff. It is found that such portions of the in camera records constitute intra-agency memoranda. It is further found that while the bills that were the topic of

such memoranda may have been subject to further revision, the memoranda itself was submitted to the legislators and was not subject to revision prior to the submission to or discussion among the legislators for whom the summary was drafted. It is concluded therefore that such records are not permissively exempt pursuant to §1-210(e)(1), G.S.

32. It is found that IC-2024-0659-3414 through IC-2024-0659-3437 is a Bill Analysis from the Office of Legislative Research regarding an amended substitute Bill. It is found that such records constitute intra-agency memoranda. It is further found that such version of the Bill analysis was subject to further revisions and, it is concluded therefore that such record, is permissively exempt from disclosure pursuant to §1-210(e)(1), G.S.[3]

33. It is found that IC-2024-0659-3624 through IC-2024-0659-3626, IC-2024-0659-3628 through IC-2024-0659-3630, and IC-2024-0659-3632 through IC-2024-0659-3634 are preliminary summaries of draft bills prepared by an Associate Legislative Analyst for the Office of Legislative Research and shared with legislators. It is found that such records constitute intra-agency memoranda. It is further found that while the respondents presented some evidence as to the nature of such records, they did so only with respect to the effects of releasing such records (which would only be relevant to the balancing test required by §1-210(b)(1), G.S.). As these records are intra-agency memoranda, however, the respondents *must* establish that they were not *subject to further revisions prior to their submission*. The respondents presented no such evidence. In fact, it is clear that such records were submitted to certain legislators.[4] Accordingly, it is concluded that such records are not permissively exempt pursuant to §1-210(e)(1), G.S.

34. It is found that IC-2024-0659-3774 through IC-2024-0659-3777 consists of a summary of legislative action proposed by panelist speakers at an informational hearing of the respondents' Banking Committee which was drafted for various legislators. It is found that such records constitute intra-agency memoranda. It is concluded that for the same reasons expressed in paragraph 33, above, such records are not permissively exempt pursuant to §1-210(e)(1), G.S.

Attorney-Client Privilege

35. The respondents assert that the following portions of the in camera records are exempt pursuant to the attorney-client privilege (i.e., §1-210(b)(10), G.S.):

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[3] To the extent the draft Bill Analyses identified in paragraphs 30 and 32, above, are not "interagency or intra-agency memoranda or letters, advisory opinions, recommendations or reports" within the meaning of §1-210(e)(1),G.S., it is concluded that such records are nevertheless permissively exempt as a preliminary draft or note pursuant to §1-210(b)(1),G.S., as draft versions of such analysis constitute the respondents' preliminary, predecisional, deliberative process.

In addition, it is found that the respondents also conducted the balancing test described in paragraph 18, above. It is found that factors weighed by the respondents were, in part, the same as those described in paragraph 20, above. As found in paragraph 21, above, such factors are not frivolous or patently unfounded.

[4] It is found that while the records at IC-2024-0659-3624 through IC-2024-0659-3626, IC-2024-0659-3628 through IC-2024-0659-3630, and IC-2024-0659-3632 through IC-2024-0659-3634 contain watermarks and disclaimers that they were drafts and subject to revision, such statements are conclusory and not sufficient evidence to show that such records were *actually* subject to revision or further discussion before their submission to the legislators.

IC-2024-0659-0004 (lines 8-12)

IC-2024-0659-0050 (lines 9-24, and 37-42)

IC-2024-0659-0051 (lines 3-5 and 15-20)

IC-2024-0659-0056 (lines 11-20)

IC-2024-0659-0061 (lines 8 and 15)

IC-2024-0659-3542 (lines 14-21)

IC-2024-0659-3619 (lines 18-20)

IC-2024-0659-3635 (lines 10-11)

IC-2024-0659-3687 (lines 8-19)[5]

IC-2024-0659-3692 (lines 20-22)[6]

IC-2024-0659-3762 (lines 10-22 and 37-38)[7]

IC-2024-0659-3763 (lines 1-28)

IC-2024-0659-3836 (lines 11-15) through IC-2024-0659-3838[8]

36. Section 1-210(b)(10), G.S., provides in relevant part that public agencies are not required to disclose "communications privileged by the attorney-client relationship … or any other privilege established by the common law or the general statutes …."

37. Section 52-146r(b), G.S., provides that "[i]n any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a government attorney shall not disclose any such communications unless an

[5] The respondents claim that the attachment to the email at IC-2024-0659-3687 is also protected by the attorney-client privilege; however, such records (i.e., IC-2024-0659-3688 through IC-2024-0659-3691) were already found to be permissively exempt as preliminary drafts or notes. See paragraph 22, above.

[6] The respondents claim that the attachment to the email at IC-2024-0659-3692 is also protected by the attorney-client privilege; however, such records (i.e., IC-2024-0659-3693 through IC-2024-0659-3761) were already found to be permissively exempt as preliminary drafts or notes. See paragraph 22, above.

[7] The respondents claim that the attachment to the email at IC-2024-0659-3762 is also protected by the attorney-client privilege; however, such records (i.e., IC-2024-0659-3764 through IC-2024-0659-3772) were already found to be permissively exempt as preliminary drafts or notes. See paragraph 32, above.

[8] The respondents claim that the attachment to the email at IC-2024-0659-3836 is also protected by the attorney-client privilege; however, such records (i.e., IC-2024-0659-3839 through IC-2024-0659-3846) were already found to be permissively exempt as preliminary drafts or notes. See paragraph 32, above.

authorized representative of the public agency consents to waive the privilege and allow disclosure."

38. Section 52-146r(a)(2), G.S., defines "confidential communications" to mean:

> all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice.

39. In Maxwell v. Freedom of Info. Comm'n, 260 Conn. 143, 149 (2002), the Connecticut Supreme Court held that §52-146r, G.S., "merely codif[ies] the common law attorney-client privilege as this court previously defined it." The Court further stated that "both the common-law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client and relate to legal advice sought by the agency from the attorney." Id.

40. The Supreme Court has adopted a four part test to determine whether communications are subject to the attorney-client privilege: "(1) the attorney must be acting in a professional capacity for the agency; (2) the communications must be made to the attorney by current employees or officials of the agency; (3) the communications must relate to the legal advice sought by the agency from the attorney; and (4) the communications must be made in confidence." Shew v. Freedom of Info. Comm'n, 245 Conn. 149, 159 (1998). "If it is clear from the face of the records, extrinsic evidence is not required to prove the existence of the attorney-client privilege." Lash v. Freedom of Info. Comm'n, 300 Conn. 511, 516-17 (2011).

41. Moreover, in Connecticut, the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice." PSE Consulting, Inc. v. Frank Mercede & Sons, Inc., 267 Conn. 279, 329 - 30 (2004).

42. The Supreme Court, however, has also recognized that "[n]ot every communication between attorney and client falls within the [attorney-client] privilege." Harrington v. Freedom of Info. Comm'n, 323 Conn. 1, 14 (2016) ("Harrington"). In Harrington, the court made clear that:

> [t]he burden of establishing the applicability of the privilege rests with the party invoking it. . . . Any privilege there may be is not a

> blanket one. The limitation, in connection with this communication, frames the special relationship that must be found for each document separately considered. . . . Because the application of the attorney-client privilege tends to prevent the full disclosure of information and the true state of affairs, it is both narrowly applied and strictly construed.

Harrington, 323 Conn. at 12.

43. Additionally, in Berlin Public Schools v. FOI Commission, Superior Court, judicial district of New Britain, CV-15-6029080-S, 2016 WL 785578, *4 (February 2, 2016) (hereinafter, "Berlin Public Schools"), the court concluded that where disclosure of communications protected by attorney-client privilege occurs in an *extrajudicial setting* – i.e., outside of the context of an adversarial proceeding – waiver applies only to "the particular matters actually disclosed."

44. The court in Berlin Public Schools noted that the process of determining what was "actually disclosed" is fact specific. Id., at *6. The purpose of this inquiry is to "identify what portion of the attorney-client communication confirms what was actually disclosed." Id. Additionally, the "actually disclosed" standard "focuses on the substance rather than the exact wording of the disclosure." Id., *5.

45. In practical terms, the "actually disclosed" standard requires the Commission to compare the alleged public disclosure against the substance of the in camera records for which the attorney-client privilege is asserted. See Id., *6 ("The commission in the first instance should compare the disclosure with the sealed report, and under the standards discussed here and employing the procedures it deems appropriate, determine what portion of the report the minutes 'actually disclosed'").

46. Upon careful in camera inspection, it is found that the following in camera records are communications "between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney," which "relate to legal advice" sought by the public agency client from the attorney, which were "transmitted in confidence," or were "records prepared by the government attorney in furtherance of the rendition of such legal advice," within the meaning of §52-146r, G.S:

IC-2024-0659-0050 (lines 9 after the "," - 24, and 37-42)

IC-2024-0659-0051 (lines 3-5 and 15-20)

IC-2024-0659-0056 (lines 11 after the first sentence – 20)

IC-2024-0659-3542 (lines 14 after the first sentence - 21)

IC-2024-0659-3687 (lines 10 after the first sentence – 19)

IC-2024-0659-3692 (lines 20 after the first sentence – 22)

IC-2024-0659-3762 (lines 10-22 and 37-38)

IC-2024-0659-3763 (lines 1-28)

IC-2024-0659-3836 (lines 11-15) through IC-2024-0659-3838

47. It is found that the in camera records identified in paragraph 46, above, constitute communications or records protected by the attorney-client privilege, within the meaning of §1-210(b)(10), G.S. It is also found that the attorney-client privilege has not been waived with respect to such records. Accordingly, it is concluded that such records are permissibly exempt from disclosure pursuant to §1-210(b)(10), G.S.

48. It is further concluded that the following in camera records are not exempt from disclosure pursuant to §§1-210(b)(10), G.S., or 52-146r, G.S., as: (i) the respondents failed to prove one or more criteria for the attorney-client privilege; (ii) the in camera record, on its face, is not protected by the attorney-client privilege; or (iii) the privilege did apply, but the substance of the record, or portion thereof, had been actually disclosed by the respondents, thereby waiving the privilege[9]:

IC-2024-0659-0004 (lines 8-12)

IC-2024-0659-0050 (line 9 up to the ",")

IC-2024-0659-0056 (the first sentence of line 11)

IC-2024-0659-0061 (lines 8 and 15)

IC-2024-0659-3542 (the first sentence of line 14)

IC-2024-0659-3619 (lines 18-20)

IC-2024-0659-3635 (lines 10-11)

IC-2024-0659-3687 (the first sentence of line 10)

IC-2024-0659-3692 (the first sentence of line 20)

The Legislative Privilege

49. It is found that the in camera records not specifically listed in Appendices A and B to this decision, or paragraphs 30, 32, and 46, above, are not permissively exempt from disclosure pursuant to §§1-210(b)(1), 1-210(e)(1), 1-210(b)(10), or 52-146r, G.S. Accordingly, the Commission must address the respondents' claim that the entirety of the in camera records are

[9]As found in paragraph 4, above, the Complainant's Exhibit C is the log of withheld records for the respondents' search. It is found that the log provides general descriptions which actually disclose the topic of the emails identified in paragraph 48, above.

exempt from disclosure pursuant to the "legislative privilege" arising out of the "Speech or Debate" clause of Article third, §15, of the Connecticut Constitution.

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

> The 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).

51. 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 record maintained by the respondents that relate to their "legitimate legislative activities."

52. The respondents further maintain that the in camera records consist of draft legislation, preliminary notes on draft legislation, and drafts of Office of Legislative Research ("OLR") bill analyses, all of which are "legitimate legislative activities" pursuant to the "legislative privilege."

53. The Commission finds the respondents' assertion 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 any public records maintained by legislature, provided that it remotely falls within the sphere of "legitimate legislative activities," untenable.

54. Whether and to what extent the state's constitution provides for a "legislative privilege" that supersedes the respondents' disclosure obligations under the FOI Act is a matter of first impression for the Commission. In fact, there appears to be only two Connecticut cases discussing Article third, §15 of the Connecticut Constitution - Office of Governor v. Select Committee of Inquiry, 271 Conn. 540 (2004) ("Office of Governor") and D'Amato v. Government Admin. and Elections Committee, judicial district of Hartford, Docket No. CV-05-4012032, 2006 WL 786503 (March 9, 2006) ("D'Amato").

55. In both Office of Governor and D'Amato, the courts, recognizing the lack of specific jurisprudence as to Article third, §15 of the Connecticut Constitution have turned to "the guidance of federal law because the state's clause 'closely resembles the speech or debate clause contained in article one, §6 of the constitution of the United States. . . ." Office of Governor, 271 Conn. at 560.

56. Accordingly, Article one, §6 of the constitution of the United States provides as follows:

> The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the

> Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; ***and for any Speech or Debate in either House, they shall not be questioned in any other Place.***

(Emphasis added).

57. First, the Commission notes that *none* of the case law interpreting the Speech or Debate clause of the Constitution of the United States applies such provision to public records requests. The reason for this is clear. Unlike the Connecticut FOI Act, the federal analog expressly does not apply to Congress. Compare 5 U.S.C. §551(1) (defining "agency," in relevant part, as "each authority of the Government of the United States, whether or not it is within or subject to the review by another agency, ***but does not include . . . the Congress***) (emphasis added), with §1-200(1)(A), G.S., (defining "public agency" or "agency," in relevant part, as "any executive, administrative or ***legislative office of the state***. . . .") (emphasis added.) This difference between the federal FOIA and Connecticut's FOI Act limits the utility of federal cases interpreting the legislative privilege arising out of the federal Speech or Debate clause within the context of public records requests. Nevertheless, such cases are important to consider as they clearly and consistently identify the purpose of the legislative privilege.

58. The first federal case interpreting Article one, §6 of the United States Constitution was Kilbourn v. Thompson, 103 U.S. 168 (1880) ("Kilbourn"). Kilbourn involved, in part, *an action for false imprisonment* against several members of the House of Representatives for introducing and voting a measure to arrest the plaintiff for contempt. As part of their *defense*, the members of the House of Representatives asserted that their actions were protected because they did not participate in the arrest of the plaintiff "except by their votes and by their participation as members in the introduction of, and assent to, the official acts and proceedings of the House, which they did and performed as members of the House, in the due discharge of their duties, and not otherwise." Id., at 200.

59. In interpreting the extent of Article one, §6 of the United States Constitution, the Court in Kilbourn relied, in large part, on the decision of the 1808 Massachusetts Supreme Court case Coffin v. Coffin, 4 Mass. 1, ("Coffin"), interpreting a similar provision in their state constitution. In Coffin, the Massachusetts Supreme Court was considering *an action for slander against* a member of the state's House of Representatives. Writing for the court in Coffin, Chief Justice Parsons opined that:

> . . . I would define the article [i.e., the provision of the state's constitution protecting legislative speech and debate] ***securing to every member exemption from prosecution*** for everything said or done by him as a representative, in the exercise of the functions of that office, ***without inquiring whether the exercise was regular***, according to the rules of the House, or irregular and against their rules.

(Emphasis added).

60. Applying Coffin, the Court in Kilbourn, agreed that the Speech or Debate clause was a viable defense against the claim of false imprisonment for those defendants who were members of the House of Representatives.

61. In Tenney v. Brandhove, 341 U.S. 367, 373-375 (1951), the Court, in analyzing the Speech or Debate clause noted that:

> ***The privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings*** has its taproots in the Parliamentary struggles of the Sixteenth and Seventeenth Centuries.
>
> . . .
>
> The provision in the United States Constitution was a reflection of political principles already firm established in the States. Three State Constitutions adopted before the Federal Constitution specifically protected the privilege.
>
> . . .
>
> As other States joined the Union or revised their Constitutions, they took great care to preserve the principle that the legislature must be free to speak and act ***without fear of criminal and civil liability***.

(Emphasis added).

62. Similarly, in U.S. v. Johnson, 383 U.S. 169 (1966) noted that:

> it is apparent from the history of the [Speech or Debate] clause that the privilege was not born primarily of a desire to avoid private suits . . . but rather ***to prevent intimidation by the executive and accountability before a possibly hostile judiciary***. In the notorious proceedings of King Charles I . . . the Crown ***was able to imprison members of Commons*** on charges of seditious liable and conspiracy to detain the Speaker in the chair to prevent adjournment. Even after the Restoration . . . the law of seditious libel was interpreted with the utmost harshness against those whose political or religious tenets were distasteful to the government . . . . It was not only fear of the executive that caused concern in Parliament but of the judiciary as well, for the judges were often lackeys of the Stuart monarchs, levying punishment more to the wishes of the crown than to the gravity of the offence. ***There is little doubt that the instigation of criminal charges against critical or disfavored legislators by the executive in a judicial forum was the chief fear promoting the long struggle for parliamentary privilege in England and, in the context***

> ***of the American System of separation of powers, is the predominate thrust of the Speech or Debate Clause.***

(Citations omitted; emphasis added; internal quotation marks omitted).

63. More recently, other federal courts have highlighted the specific utility of the legislative privilege, considering the principles outlined in paragraphs 58 through 62, above, noting that the:

> ***[l]egislative privilege clearly falls within the category of accepted evidentiary privileges***. . . . To understand why the privilege is so well accepted, it is necessary to step back and examine the parallel concept of legislative immunity. ***Our legal system has broadly recognized the right of legislators to be free from arrest for what they do or say in legislative proceedings.***
>
> The Speech or Debate Clause provides . . . immunity from suit to federal legislators.
>
> . . .
>
> Legislative immunity's practical import is difficult to overstate. As members of the most representative branch, legislators bear a significant responsibility for many of our toughest decisions, from the content of the laws that will shape our society to the size, structure, and staffing of the executive and administrative bodies carrying them out. Legislative immunity provides legislators with the breathing room necessary to make these choices in the public's interest, in a way [un]inhibited by interference [and] [un]distorted ***by the fear of personal liability***. . . It allows them to focus on their public duties by removing the cost and distractions attending lawsuits. ***It shields them from political wars of attrition in which their opponents try to defeat them through litigation rather than at the ballot box.*** And it increases the caliber of our elected officials by preventing the threat of liability [from] significantly deter[ring] service. . . ."
>
> ***Legislative privilege against compulsory evidentiary process exists to safeguard this legislative immunity and to further encourage the republican value it promotes***. . . . Absolute immunity enables legislators to be free, not only from the consequences of litigation's results, *but also from the burdens of defending themselves*.

(Citations omitted; emphasis added; emphasis in original; quotations omitted) E.E.O.C v. Washington Suburban Sanitary Comm'n, 631 F.3d 174, 180-181 (4th. Cir. 2011) ("EEOC").

64. Similarly, in DoorDash v. City of New York, 780 F.Supp.3d. 434, 442 (S.D.N.Y 2025) ("DoorDash"), the Court noted that:

> The concept of legislative privilege, and the parallel doctrine of legislative immunity, developed in the sixteenth- and seventeenth-century England as a means of curbing monarchical overreach, through judicial proceedings, in Parliamentary affairs. . . . The principle of legislative autonomy became so fundamental that it was codified in Article 1 of the U.S. Constitution as the Speech or Debate Clause. . . . The Clause provides two distinct, but related absolute protections [to members of Congress]: ***(1) immunity from suit for their legislative acts and (2) protection from being compelled to testify in court and produce information*** about acts that fall within the 'legitimate legislative sphere.'

(Citations omitted; emphasis added; internal quotation marks omitted).

65. Considering the cases cited in paragraphs 58 through 64, above, it is clear that the federal Speech or Debate clause and its analogous provisions in state constitutions are 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 the "legislative privilege" functions as a constitutional carve out from a public records statute such as the Connecticut FOI Act.

66. In fact, comparing the purpose of the FOI Act with that of the Speech or Debate clause, it is abundantly clear that the two concepts are fundamentally different.

67. First, making a records request pursuant to 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 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.

68. Moreover, 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.

69. Accordingly, it is found that legislators, by disclosing public records pursuant to the FOI Act, do not risk personal liability for their legislative acts.

70. Second, the separation of powers issues that underpin the legislative privilege are not present with respect to the disclosure of public records under the FOI Act. Specifically, the FOI Act cannot be used by the executive or judicial branches as a means of intimidation, as the Act affords rights solely to the *public*. See §1-210(a), G.S. ("***Every person*** shall have the right to (1)

inspect . . . (2) copy . . . or (3) receive a copy of [public] records in accordance with section 1-212) (emphasis added); see also §1-200(4), G.S. ("[p]erson means natural person, partnership, corporation, limited liability company, association or society.") (internal quotation marks omitted); see also Docket #FIC 2023-0468, Attorney Paul Testa v. Executive Director, State of Connecticut, Commission on Human Rights and Opportunities et al. (August 28, 2024) (public agencies (both state and municipal) are not "persons" within the meaning of §1-200(4), G.S.)[10]

71. Third, while it is true that both the litigation from which legislators enjoy their privilege and the FOI Act may require the disclosure of documents or records, the two situations are not comparable. In the litigation context, the legislative privilege protects against legislators "being compelled to testify in court and produce information . . . ." See DoorDash, 780 F.Supp.3d. at 442. This is simply not a concern with respect to public records requests, because the sole right of the public with respect to such request is to receive public records. Both the courts and this Commission have repeatedly concluded that the FOI Act does not obligate public agencies to answer questions. See Albright-Lazzari v. Murphy, No. CV105014984S, 2011 WL 1886878, at *3 (Super. Ct. Apr. 21, 2011); see also, Docket #FIC 2019-0606, David Montoya v. Superintendent of Schools, Westport Public Schools et al. (June 23, 2021) ("Commission has no authority to compel the respondents to answer the complainant's questions.")

72. Accordingly, the FOI Act provides no opportunity wherein "the senators and representatives" would have their speech or debate (and more broadly their legislative acts) "questioned" pursuant to Article third, §15 of the Connecticut Constitution.

73. Moreover, as noted by the Fourth Circuit in EEOC, the legislative privilege "shields [legislators] from political wars of attrition in which their opponents try to defeat them through litigation rather than at the ballot box." EEOC, 631 F.3d at 181. To the extent a member of the public seeks to use information gleaned from a public record to engage in such war of attrition, nothing prevents a legislator from raising the legislative privilege at that time where it is appropriate. Otherwise, the public's use of information gleaned from a public record is entirely consistent with the FOI Act and the Speech or Debate clause as it would enable the public to use that information at the ballot box.

74. There is also no concern that sensitive information would be made publicly available from a public records request, because the FOI Act contains specific exemptions that address such concerns (e.g., preliminary drafts or notes, the attorney-client privilege, records of investigations, the disclosure of records which may result in a safety risk, etc.) See §1-210(b), G.S. In fact, it is found that the existing FOI Act exemptions applied to the vast majority of the records at issue in this case. See Appendices A and B of this decision and paragraphs 30, 32, and 46, above.[11]

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[10] Moreover, there is no indication that the judiciary would serve as the "lackeys" of the executive branch as noted in U.S. v. Johnson, because (i) they are an independent branch of government, and (ii) their sole function in the records request process is to hear administrative appeals, which necessarily requires a request from the public.

[11] For instance, the respondents repeatedly cited a chilling effect that would occur if the legislative privilege did not apply; however, the FOI Act, already addresses this concern in large part via the preliminary drafts and notes exception and attorney-client privilege.

75. Finally, it is recognized that the legislative privilege "allows [legislators] to focus on their public duties by removing the cost and distractions attending lawsuits." EEOC, 631 F.3d at 181. Given that public agencies are not required to answer questions, the process of complying with an FOI request appears to be far less involved than complying with discovery or a subpoena as part of litigation (all else being equal). Regardless, the court has recognized that a public agency's duties under the FOI Act, are a primary duty "on par with the agencies [sic] other significant duties. . . ." See Comm'r of Dept. of Emergency Services and Public Protection v. Freedom of Info. Comm'n, judicial district of New Britain, No. HHB-CV-18-6047741, 2020 WL 5540637 (July 2, 2020). [12]

76. It is clear to this Commission that 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. It is also clear to this Commission that the General Assembly is acutely aware of this fact.

77. The Commission takes administrative notice of the fact that the language in the Speech or Debate clause of Connecticut's Constitution predates the FOI Act by approximately 157 years. See Article third, §10 of the Connecticut Constitution of 1818. Nevertheless, in passing the FOI Act, the legislature mentioned neither the Speech or Debate Clause nor the legislative privilege. In fact, the available legislative history of the FOI Act, makes clear that the legislature was fully aware of the repercussions associated with making themselves subject to the Act. For instance, during his comments at the April 8, 1975 hearing before the committee of cognizance for HB 5087, *An Act Concerning Freedom of Information*, (i.e., the Committee of Government Administration & Policy), Representative Post stated:

> And of course, there is a risk. And anybody who pretends that the Sunshine Law is without risk is deceiving themselves. ***The risk is that we will be embarrassed. The risk is that the debates will be harder or more difficult. The risk is that it is easier to do business behind closed doors, but the real risk is that if we continue the current concept – continue the current practice and close those doors, as is happening at all levels, that public cynicism will grow, and as we then really thrash over the tough issues of the day, we will not have the public support and understanding that we are going to need.***

(Emphasis added) See Conn. Joint Standing Committee Hearings, Government Administration & Policy, 1975 Sess. p. 303.

78. It is clear from Representative Post's remarks that the legislature understood that the FOI Act would require them to make more of the legislative process open to the public, and that such change would be beneficial as it allows for more public support and understanding. Not

[12] It is true that duty to legislate is constitutional while the duty to comply with the FOI Act is statutory; however the legislature saw fit to assign itself such duties by including "any legislative office of the state" in the definition of §1-200(1)(A), G.S.

only are Representative Post's comments not challenged, but they are also later echoed by Representative Henderson who stated:

> [a]s Legislators we cannot mandate openness. We cannot legislate morality. . . . However, we can bring the peoples business closer to the people by ***conducting legislative matters in [an] open manner and allowing the Sunshine – as it is, to shine in – public knowledge upon all matters pertaining to the public's business***."

(Emphasis added). Id., p. 304.

79. Additionally, the following exchange in the House during their proceedings on May 16, 1975, regarding a proposed amendment to HB 5087, is further illuminating:

> REP. STEVENS (119th):
>
> Through you Mr. Speaker, would I, as a citizen, be entitled to a final memorandum between the Speaker of the House and the Majority Leader?
>
> REP. BURKE (56th):
>
> Through you Mr. Speaker, ***if it related to their governmental functions I would think so.***
>
> . . .
>
> REP. BAEHR (123rd):
>
> Mr. Speaker, I'd like to pose a question to the proponent of the Amendment. Mr. Burke, to what degree does there or would there continue to exist if the Amendment is adopted, a privileged status condition in communications between members of the executive branch government, both state and local government, and the legislative branch and the members thereof.
>
> REP. BURKE (56th):
>
> Through you Mr. Speaker, as I have indicated on several occasions the Committee did not make an attempt, nor do I possess sufficient knowledge of the entire General Statutes to know what records, reports and statements are exempt from public disclosure. But I think we must not lost [sic] sight of the fact, and perhaps we have because we've taken up this encompassing Amendment before we've taken up the Bill, ***that the intention of the Freedom of Information Act is to make every public record and every public meeting open to the public at all times with certain specified exclusions***.

. . .

REP. BELDEN (113th):

Thank you Mr. Speaker, a question please through you to the proponent of the Bill, amendment excuse me sir. If the Speaker of the House were to send a memo to an individual legislator could you tell me if that would be a public record under the Amendment?

REP. BURKE (56th):

Through you Mr. Speaker, I don't think I care to speculate on that situation. I might point out to Rep. Belden that the Bill establishes a Freedom of Information Commission, it establishes a Judicial Review from the decisions of that administrative agency and there are going to be numerous interpretations no doubt of this bill. That will probably be one of them.

REP. BELDEN (113th):

If I might sir, one additional question. In your opinion, would the Speaker of the House be, in essence, the agency of the Legislature as defined under the bill.

. . .

REP. BURKE (56th)

Through you Mr. Speaker, public agency or agency have the same meaning. They're used interchangeably throughout the Bill. Public agency means any executive agency, administrative or legislative office of the State. Were one to read that Bill to consider that the office of Speaker of the House is a legislative office of the State, the answer is yes.

(Emphasis added). 18 H.R. Proc., Pt. 8, 1975 Sess., pp. 3904-08.

80. It is found that the exchange outlined in paragraph 79, above, clearly indicates that the legislature in passing the FOI Act knew that its records were subject to public disclosure. It is further found that where there were ambiguities in whether a record was subject to disclosure, the analysis would be whether a specific exemption enumerated in the FOI Act or some other state statute applied. There is no indication that the legislature thought that it had a constitutional basis for withholding public records.

81. Similar sentiments were echoed in the Senate during their consideration of the proposed FOI Act:

SENATOR FAULISO (1st):

> Mr. President, this is, indeed landmark legislation in a very real sense. And I'd like to think, Mr. President, that now we have completed the cycle. ***I think our legislature has opened the doors of the legislative process. Today, we are confirming the principle that government is people's business. And I think, Mr. President, that today we are asserting it and confirming that principle.***
>
> . . .

(Emphasis added). 13 S. Proc., Pt 5, 1975 Sess., pp. 2332-33.

82. The legislature's understanding that there was no constitutional basis to withhold public records is further evidenced by their attempt in 2005 to create a new provision of the FOI Act excluding from the definition of "public records or files" the "electronic mail messages of any member or employee of the General Assembly that relate to those persons whom such member represents or that are sent to or by such member or employee." See Public Act No. 05-278 (2005). While passed by the legislature, the public act was vetoed by Governor Rell who noted:

> I am returning to you without my signature House Bill 6774, *An Act Concerning Conservation Law Enforcement*. . . . [The] proposed exclusion violates the very spirit of this State's open government statutes. . . . I will not sign the bill because the public is ill-served by legislation that is overly broad and limits or undermines transparency in government.
>
> The bill sends the wrong message at the time when those of us in government are working to restore the public's faith and trust. A review of the legislative record reveals that the blanket exclusion of the Legislative branch's electronic mail from the FOIA . . . was adopted without any public hearing. Both the House of Representatives and Senate adopted the amendment containing the exclusion in the final hours of the Legislative session – late at night and without significant debate or discussion. Without public hearings, public testimony and a complete, thoughtful and open discussion of the issues involved, the public is barred from participating in changes to the very laws which are designed to provide access to government. Further, the Legislature should not be excluding itself from open government laws through ill-conceived legislation hurriedly adopted on the last night of the session. Such actions fail to respect the public's right to access and participate in the Legislative process. . . .

Conn. House Journal July 25, 2005.

83. It appears to this Commission that the legislature now seeks to do through legal argument what it could not do through legislation 20 years ago. The legislature's desire to exempt itself from the FOI Act is not a sufficient basis to invoke the legislative privilege.[13]

84. It is found, therefore, that Article third, §15 of the Connecticut Constitution does not prevent the disclosure of those portions of the in camera records not otherwise identified in Appendices A and B to this decision, or paragraphs 30, 32, and 46, above.

85. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to disclose those records not otherwise identified in Appendices A and B to this decision, or paragraphs 30, 32, and 46, above.

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

1. Within fourteen (14) days of the Notice of Final decision in this matter, the respondents shall provide the complainant with copies of all in camera records not otherwise identified in Appendices A and B to this decision, or paragraphs 30, 32, and 46 of the findings, above, unredacted and free of charge.

2. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 22, 2025.

Jennifer M. Mayo
Acting Clerk of the Commission

[13] To be clear, the purpose of reviewing the relevant legislative history in this matter is not to insinuate that the legislature "waived" the legislative privilege by passing the FOI Act, but that the legislative privilege is not applicable within the context of public records requests. In reviewing the legislative history of the FOI Act, it is clear to this Commission that a categorical bar on the public's access to records of the legislature that fall within the sphere of "legitimate legislative activities" is antithetical to the understanding of those legislators who passed the Act in 1975.

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JOHN C. DIIORIO, c/o Attorney Alexa T. Millinger, Hinckley, Allen & Snyder LLP, 20 Church Street, 18th Floor, Hartford, CT 06103

EXECUTIVE DIRECTOR, OFFICE OF LEGISLATIVE MANAGEMENT, STATE OF CONNECTICUT, CONNECTICUT GENERAL ASSEMBLY; **AND OFFICE OF LEGISLATIVE MANAGEMENT, STATE OF CONNECTICUT, CONNECTICUT GENERAL ASSEMBLY**, c/o Assistant Attorney General Timothy J. Holzman, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106

Jennifer M. Mayo
Acting Clerk of the Commission

FIC 2024-0659/FD/JMM/October 22, 2025

APPENDIX A

As noted in paragraph 22, above, of the decision in Docket #FIC 2024-0659, the following in camera records, or portions thereof, are permissively exempt pursuant to §1-210(b)(1), G.S., as they constitute draft legislation:

IC-2024-0659-0002 through IC-2024-0659-0003

IC-2024-0659-0005 through IC-2024-0659-0028[14]

IC-2024-0659-0030 through IC-2024-0659-0040

IC-2024-0659-0042 through IC-2024-0659-0049

IC-2024-0659-0052 through IC-2024-0659-0055

IC-2024-0659-0057 through IC-2024-0659-0060

IC-2024-0659-0062 through IC-2024-0659-0229

IC-2024-0659-0231 through IC-2024-0659-0232

IC-2024-0659-0235 through IC-2024-0659-0239

IC-2024-0659-0243 through IC-2024-0659-0276

IC-2024-0659-0279 through IC-2024-0659-0510

IC-2024-0659-0512 through IC-2024-0659-0751

IC-2024-0659-0753 through IC-2024-0659-0992

IC-2024-0659-1018 through IC-2024-0659-1281

IC-2024-0659-1283 through IC-2024-0659-1517

IC-2024-0659-1519 through IC-2024-0659-1748

IC-2024-0659-1750 through IC-2024-0659-1987

IC-2024-0659-1993 through IC-2024-0659-2228

IC-2024-0659-2230 through IC-2024-0659-2467

IC-2024-0659-2471 through IC-2024-0659-2700

IC-2024-0659-2705 through IC-2024-0659-2941

IC-2024-0659-2943 through IC-2024-0659-3413

IC-2024-0659-3440 through IC-2024-0659-3498

IC-2024-0659-3501 through IC-2024-0659-3541

[14] The respondents, on their in camera index, only identify up to IC-2024-0659-0024; however, the draft of the legislation continues through IC-2024-0659-0028. It is found that the exclusion of IC-2024-0659-0025 through IC-2024-0659-0028 on the in camera index was a scrivener's error.

IC-2024-0659-3543 through IC-2024-0659-3583

IC-2024-0659-3584 through IC-2024-0659-3608

IC-2024-0659-3610 through IC-2024-0659-3611

IC-2024-0659-3613 through IC-2024-0659-3618

IC-2024-0659-3620 through IC-2024-0659-3622

IC-2024-0659-3636 through IC-2024-0659-3644

IC-2024-0659-3646 through IC-2024-0659-3654

IC-2024-0659-3656 through IC-2024-0659-3686

IC-2024-0659-3688 through IC-2024-0659-3691

IC-2024-0659-3693 through IC-2024-0659-3761

IC-2024-0659-3764 through IC-2024-0659-3772

IC-2024-0659-3779 through IC-2024-0659-3835

IC-2024-0659-3839 through IC-2024-0659-3846

IC-2024-0659-3848 through IC-2024-0659-3867

APPENDIX B

As noted in paragraph 27 of the decision in Docket #FIC 2024-0659, the following in camera records, or portions thereof, are permissively exempt as "preliminary drafts or notes" pursuant to §1-210(b)(1), G.S:

IC-2024-0659-0001 (lines 9 after the "." - 10)

IC-2024-0659-0041 (lines 8 after the "."- 11)

IC-2024-0659-0242 (lines 10 after the ":"-12),

IC-2024-0659-0752 (lines 7 after the "." - 8)

IC-2024-0659-0993 (lines 10-11)

IC-2024-0659-1017 (the second sentence line 7, and lines 11 after "and" – 12)

IC-2024-0659-1518 (the third sentence of line 8 continuing onto line 9)

IC-2024-0659-1988 (lines 8-13)

IC-2024-0659-1991 (lines 29, and 36-41)

IC-2024-0659-2468 (lines 34-38)

IC-2024-0659-2701 (lines 9, and 31-32)

IC-2024-0659-2702 (lines 17-21)

IC-2024-0659-3438 (lines 11 after the "." – 14, and 43-49)

IC-2024-0659-3439 (lines 9-13)