

**FINAL REPORT  
PUBLIC ACCESS AND ACCOUNTABILITY LEGISLATION  
CONNECTICUT GENERAL ASSEMBLY  
2024 REGULAR SESSION**

By  
Russell Blair, Director of Education and Communications  
&  
Paula Pearlman, Managing Director and Associate General Counsel  
Connecticut Freedom of Information Commission

*Summary of Legislative Session:*

The 2024 “short” legislative session still resulted in a long list of proposals that would have restricted access to public records of important public interest. Most concerning, several new exemptions to the Freedom of Information (“FOI”) Act were raised in the final days of the session that had not been subject to a public hearing. Fortunately, most of these proposals were defeated. There was little in the way of legislation that would have increased access to public records, and for the third year in a row, a bill encapsulating recommendations submitted by the FOI Commission to the legislature was denied final passage. For a more detailed summary of these bills and others of note, please see below:

**BILLS PASSED – UNFAVORABLE RESULTS**

**HB 5523; P.A. 24-81. AN ACT CONCERNING ALLOCATIONS OF FEDERAL AMERICAN RESCUE PLAN ACT FUNDS AND PROVISIONS RELATED TO GENERAL GOVERNMENT, HUMAN SERVICES, EDUCATION AND THE BIENNIUM ENDING JUNE 30, 2025.**

House Bill 5523 (Section 99) contained new limitations on access to interagency shared records held by state agencies in an unrelated bill that dealt primarily with expenditures of federal COVID relief funds. Individuals seeking such records must now make their request to the state agency from where the records originated. If a request is made to a receiving agency, the receiving agency must promptly refer the request to the originating agency and provide written notification to the requester that the request has been referred to the originating agency. The language in Section 99 was a revival of a proposal that was advanced in Senate Bill 256 (Section 4), which died on the Senate calendar.

Opponents of House Bill 5523 (Section 99) argued that the proposal was overly broad and would create new obstacles to accessing public records of significant public interest, resulting in unnecessary delays and impacting the timely processing of requests. In addition, they argued that information sharing among public agencies, presumably for the purpose of achieving policy objectives and to better inform government, should be accessible in the same way to the public on whose behalf it is gathering such information.

House Bill 5523 passed the House (with an amendment). The Senate passed the bill in concurrence with the House. The Governor has signed House Bill 5523.

**HB 5498; P.A. 24-148. AN ACT CONCERNING ELECTION SECURITY AND TRANSPARENCY, THE COUNTING OF ABSENTEE BALLOTS, ABSENTEE VOTING FOR CERTAIN PATIENTS OF NURSING HOMES, SECURITY OF CERTAIN ELECTION WORKERS, STATE ELECTIONS ENFORCEMENT COMMISSION COMPLAINTS, BALLOTS MADE AVAILABLE IN LANGUAGES OTHER THAN ENGLISH AND VARIOUS OTHER REVISIONS RELATED TO ELECTION ADMINISTRATION.**

House Bill 5498 (Section 31), as passed, prohibits cities and towns from disclosing under the Freedom of Information Act the residential addresses of certain election workers 90 days before or after an election, provided the workers submit a written request for the nondisclosure of such addresses and a substitute address (i.e., business address or if no business address the address of town hall, city hall or other municipal building in which registrars of voters are located).

Specifically, House Bill 5498 (Section 31) amends §1-217 of the FOI Act to add municipal clerks, registrars of voters, deputy registrars of voters, election officials, primary officials and audit officials to the growing list of individuals whose home addresses would be “protected.” Each year, it seems, there are proposals attempting to add another classification of worker to §1-217, without proponents really understanding the limited scope of the statute, which should not be viewed as a cure for safety and privacy concerns. This year’s proposal also broadened the application of §1-217 to include the addresses of additional public employees and individuals who may serve on a voluntary basis.

The language from Section 31 is similar to the language in House Bill 5448, which was introduced this session, regarding the nondisclosure of residential addresses of election workers. House Bill 5448 died on the House calendar. Opponents of the proposal argued its broad scope would be impractical to put into effect and that it would provide very little protection, given the records to which the nondisclosure request would not apply and the fact that most residential addresses are readily available for free, or for a nominal charge, on the internet.

Significantly, House Bill 5498, as originally introduced, also proposed to prohibit the use of voter registration records for “personal, private or commercial purpose.” The Commission objected to this proposal as outlawing specific uses for public information sets a dangerous precedent; and the proposal lacked a clear definition for prohibited “commercial purpose.” The proposed language, which mirrored proposals that have been raised in past legislative sessions, was ultimately removed when House Bill 5498 was amended by the House.

House Bill 5498 was advanced out of the Government Administration and Elections Committee and passed the House (as amended). The Senate passed the bill in concurrence with the House. The Governor has signed House Bill 5498.

**SB 426; P.A. 24-108. AN ACT CONCERNING COURT OPERATIONS AND ADMINISTRATIVE PROCEEDINGS.**

Senate Bill 426 (Sections 31 and 33) amends provisions in the Freedom of Information Act concerning the courts' jurisdiction over certain FOIA-related matters. Specifically, complainants whose cases are not scheduled for hearings [§1-206(b)(2)], or a party who is subject to a Commission decision to provide relief to an agency regarding a vexatious requester [§1-206(b)(6)], may now appeal those decisions in the judicial district in which the public agency is located rather than in the Tax and Administrative Appeals Court in New Britain. The same applies for the Commission seeking to enforce a subpoena or payment of a civil penalty [§1-205(d)]. These proposals were not subject to a public hearing and appeared for the first time in substitute language adopted by the Judiciary Committee. The Commission opposed the change, arguing that current law allows for judges with subject matter expertise on the FOI Act and administrative proceedings to hear such matters. Further, it remains unclear as to why such proposed changes were necessary.

Senate Bill 426 was approved by the Judiciary Committee (with substitute language) and passed the Senate and House, as amended. The Governor has signed Senate Bill 426.

**BILLS DEFEATED – UNFAVORABLE RESULTS**

**SB 2, AN ACT CONCERNING ARTIFICIAL INTELLIGENCE.**

Senate Bill 2 sought to establish regulations regarding the development and deployment of “high-risk” artificial intelligence (“AI”) systems within the state of Connecticut. The bill was based in part on recommendations from a task force that included representation from the Freedom of Information Commission. The Commission agreed in principle with many measures implemented in the bill and worked with its sponsors to strengthen sections affecting the public’s ability to access crucial information regarding AI systems tasked with making high-stakes decisions.

Senate Bill 2 passed the General Law and Judiciary committees and was adopted by the Senate (with an amendment). It died on the House calendar.

**SB 355, AN ACT IMPLEMENTATING RECOMMENDATIONS OF THE FREEDOM OF INFORMATION COMMISSION FOR REVISIONS TO THE FREEDOM OF INFORMATION ACT.**

Senate Bill 355 consisted of recommendations submitted by the Freedom of Information Commission to the legislature. Such recommendations proposed to revise the following provisions in the FOI Act: §1-200(11) and 1-218 (definition of “governmental function” and contracts in excess of \$2.5 million); §1-205(e) (training by the Commission); §1-210(b)(17) (education records exemption); §1-212(g) (hand-held scanner definition); §1-225(d) (electronic notice of special meetings to board members); and §1-210(d) (appeals brought for denial of access to public records under §1-210(b)(19) (safety and security exemption).

Unfortunately, even though Senate Bill 355 made it out of the Government Administration and Elections Committee without any known opposition, there was no further push by legislators to have this bill taken up by the Senate and/or House. Senate Bill 355 died on the Senate calendar.<sup>1</sup>

### **BILLS DEFEATED – FAVORABLE RESULTS**

#### **SB 394, AN ACT ESTABLISHING AN EXEMPTION FROM DISCLOSURE FOR CERTAIN HIGHER EDUCATION RECORDS PERTAINING TO TEACHING OR RESEARCH UNDER THE FREEDOM OF INFORMATION ACT.**

Senate Bill 394 was a revival of a proposal from the 2023 legislative session that would have created a new exemption for records held by public colleges and universities that arose out of teaching or research. Opponents of Senate Bill 394 raised concerns about the broad confidentiality language and that such a proposal would exempt all records maintained or kept by all public higher education institutions in the state, except for financial records. In addition, opponents of the bill argued that existing statutes and case law addressed many of the concerns expressed by supporters of the bill. They also argued that there was great public interest in all teaching and research conducted at public higher education institutions, especially in significant (and potentially controversial) issues that require a high level of scrutiny and accountability and that are funded largely with public dollars.

Senate Bill 394 was approved by the Government Administration and Elections Committee but saw no further action and died on the Senate calendar.

#### **SB 431, AN ACT CONCERNING FEES FOR COPYING, REVIEWING AND REDACTING RECORDS CREATED BY POLICE BODY-WORN RECORDING EQUIPMENT AND DASHBOARD CAMERAS.**

Senate Bill 431 sought to allow law enforcement agencies to charge a redaction fee under certain circumstances for the disclosure of a record created by police body-worn recording equipment and dashboard cameras, the second year in a row such a proposal was considered by the General Assembly. While the Freedom of Information Commission staff worked with the proponents of the legislation to establish a reasonable fee structure for the provision of such records, once again the proposal sought to create new exemptions to disclosure of certain public records (i.e., footage from body-worn cameras that depicted the inside of a private residence or an individual in a state of undress or nudity), and thus the bill's defeat is reported as a favorable result. Senate Bill 431 was voted out of the Government Administration and Elections Committee with these proposed exemptions, and then amended in the Senate.

As amended, Senate Bill 431 removed the proposed exemptions that were initially introduced. However, the amended bill proposed to exempt from disclosure the name and address of an individual reporting, and the name and address of the alleged offender in a report of, an incident involving an allegation of bigotry or bias made to a law enforcement agency on a standardized form, through a reporting system, or any database for the reporting of such allegations

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<sup>1</sup> Senate Bill 355 was the third year in a row the Commission's legislative proposals have failed to be adopted. House Bill 5458 (2022) and Senate Bill 1155 (2023) similarly did not advance.

established by the Institute for Municipal and Regional Policy at UConn. The proposed new exemption was not subject to a public hearing.

While the Senate amendment removed the proposed exemptions in the underlying bill and contained a reasonable fee structure, including a provision that required agencies to provide individuals involved in an incident to obtain body camera and dash board camera footage free of charge, the inclusion of a new exemption gave rise to the Commission's opposition.

Senate Bill 431 died on the House calendar.

### **SB 436, AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING THE NONDISCLOSURE OF THE ADDRESSES OF CERTAIN PUBLIC AGENCY EMPLOYEES.**

Senate Bill 436 sought to expand the prohibition on disclosure of residential addresses found in §1-217 of the Freedom of Information Act to cover all public agency employees. As was stated regarding House Bill 5498 (Section 31), the Commission has repeatedly argued that §1-217 offers very limited protection and should not be viewed as a cure for safety and privacy concerns. In addition, expanding §1-217 to cover all public agency employees would pose a burden on municipalities who would be responsible for identifying and redacting addresses that can be routinely located on the internet or found in public records that are not covered by §1-217.

Senate Bill 436 was voted out of the Government Administration and Elections Committee but died on the Senate calendar.

### **HB 5047, AN ACT IMPLEMENTING THE GOVERNOR'S RECOMMENDATIONS FOR GENERAL GOVERNMENT.**

House Bill 5047 dealt with a variety of matters including the Connecticut Port Authority, the Small Town Economic Assistance Program and vacation and personal leave for state employees. In addition, Section 24 of the bill sought to exempt from disclosure “[r]ecords (A) maintained or kept on file by a public agency that is a covered entity, as defined in [the federal Health Insurance Portability and Accountability Act (HIPPA)]...and (B) that contain protected health information, as defined in [HIPAA].” The proposal was apparently in response to a recent Connecticut Supreme Court ruling<sup>2</sup> that ordered the disclosure of police reports, absent personally identifiable information, about patient deaths in 2016 at the Whiting Forensic Hospital. Opponents argued that, as drafted, the legislation would not guarantee a different result for any public agency that wished to claim “covered entity” status under HIPAA’s privacy rule, and that the position adopted by the Supreme Court is in accord with courts across the country and strikes the right balance between the public’s right to know and patient privacy.

After a public hearing, Section 24 was removed in its entirety when the Appropriations Committee passed the proposal with substitute language. House Bill 5047 died on the House calendar.

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<sup>2</sup> DMHAS Commissioner, et. al. v. Freedom of Information Commission, et. al., 347 Conn. 675 (2023).

## **HB 5055, AN ACT STRENGTHENING POLICE DATA REPORTING REQUIREMENTS.**

House Bill 5055 was proposed to strengthen penalties for making false statements in law enforcement records, largely in response to concerns raised about traffic stop data compiled by the Connecticut State Police. Late in the legislative session, however, the bill was amended to create a new exemption in the Freedom of Information Act for “any record pertaining to a formal complaint against a police officer ... prior to such complaint being investigated and adjudicated by the proper legal authority.” The proposed exemption had not been subject to a public hearing and raised numerous concerns, including who would make the determination that a complaint had been investigated and adjudicated; who and/or what was a “proper legal authority”; what is meant by a “formal complaint”; or what would happen if a police officer retired or resigned before an investigation was complete.

House Bill 5055 passed the Judiciary Committee and the House (with an amendment), but fortunately died on the Senate calendar.

## **HB 5410, AN ACT EXEMPTING INFORMATION CONCERNING CERTAIN VULNERABLE INDIVIDUALS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.**

House Bill 5410, as originally introduced, proposed to exempt from disclosure (1) records related to certain complaints filed with the Commission on Human Rights and Opportunities (“CHRO”); and (2) records contained within a state registry of residents with cognitive challenges.

After a public hearing, the bill was voted out of the Government Administration and Elections Committee with substitute language that removed references to CHRO. However, the substitute language broadened the proposal to exempt from disclosure all records of any public agency related to an investigation of alleged sexual harassment or an alleged discriminatory practice, including the name of any person providing information in such an investigation. Opponents argued that the identity of complainants in those investigations could be covered by other exemptions and that the proposal was far too broad and could result in information about a perpetrator of sexual harassment or an alleged discriminatory practice, or the thoroughness of such an investigation, being withheld. House Bill 5410 was subsequently amended in the House to limit the proposed exemption regarding such investigations to the “name and personally identifiable information” of any person providing information concerning alleged sexual harassment or an alleged discriminatory practice.

With respect to the proposed exemption for records contained within the state registry of residents with cognitive challenges, although not specifically identified in the proposal, the registry referenced was the Bring Me Back Home (“BMBH”) registry. Such registry contains information that can be accessed by law enforcement to assist in the recovery of missing or wandering persons. House Bill 5410, as amended, narrowed the proposed exemption to “any personally identifiable information” of residents with cognitive challenges. The Commission did not object to protecting personally identifiable information in the registry but stressed the

importance of maintaining public visibility into other state registry records to be able to judge the effectiveness of the BMBH program.

House Bill 5410 passed the House, as amended, but died on the Senate calendar.

**HB 5447, AN ACT EXEMPTING THE RESIDENTIAL ADDRESSES OF EMPLOYEES OF THE OFFICE OF THE ATTORNEY GENERAL FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.**

House Bill 5447 sought to expand §1-217 of the Freedom of Information Act to include employees of the Office of the Attorney General to the list of public employees whose home addresses are prohibited from disclosure. For the same reasons stated regarding House Bill 5498 (Section 31) and Senate Bill 436 the Commission opposed the legislation.

House Bill 5447 was approved by the Government Administration and Elections Committee and adopted by the House but died on the Senate calendar.

**BILLS PASSED – NEUTRAL RESULTS**

**SB 234; P.A. 24-56. AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.**

Senate Bill 234, as initially proposed, would have expanded law enforcement exemptions contained within the Freedom of Information Act to exempt from disclosure all witness statements [§1-210(b)(3)(C)] and videos and photographs depicting scenes of incidents involving minors, victims of domestic or sexual abuse, victims of suicide or a deceased victim of an accident, if disclosure could reasonably be expected to constitute an unwarranted invasion of the personal privacy of the victim or the victim’s surviving family members [§1-210(b)(27)].

The Commission worked with proponents of the bill to narrow the scope of the proposed witness statement exemption to “signed or sworn” statements, only, addressing a concern raised about the disclosure of statements recorded electronically or captured on body-worn cameras; and to revise the proposed changes to §1-210(b)(27) to mirror the exemptions that already exist in §29-6d, the state’s body-worn camera law, covering videos captured on those devices of the same scenes. The proposal was voted out of the Public Safety and Security Committee with substitute language, including specifying that the identity of mandated reporters would be covered under the existing exemption for informants not otherwise known or witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation [§1-210(b)(3)(A)].

Senate Bill 234 was subsequently adopted in the Senate. The House passed the bill in concurrence with the Senate. The Governor has signed Senate Bill 234.

## **BILLS DEFEATED – NEUTRAL RESULTS**

### **HB 5315, AN ACT CONCERNING MEMBER PARTICIPATION DURING REMOTE AND HYBRID MUNICIPAL PUBLIC AGENCY MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.**

House Bill 5315 proposed to amend §1-225a of the Freedom of Information Act to require that, when a member of a municipal legislative body, board of finance or local or regional board of education participates in a meeting remotely, such member must be visible whenever speaking or voting subject to certain exceptions (e.g., unexpected technical difficulties). The Commission supported the goal of House Bill 5315 but suggested that the proposal be amended to clarify the limited nature of the exceptions. As written, the proposal appeared to undermine the intent of the bill by allowing these municipal agencies to participate remotely without a video connection on a regular basis, rather than because of a specific technical difficulty.

House Bill 5315 passed the Government Administration and Elections and Planning and Development committees but died on the House calendar.

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Representative Bob Godfrey, Deputy Speaker Pro-Tempore (110th District);  
Representative Josh Elliott, Deputy Speaker (88th District);  
Representative Vincent Candelora, House Republican Leader (86th District);  
Representative Gale Mastrofrancesco, Assistant House Republican Leader (80th District);  
Senator Cathy Osten, Senate Deputy President Pro Tempore (19th District);  
Senator Gary Winfield, Chief Deputy Majority Leader (10th District); and  
Senator Rob Sampson (16th District).

## **BILL TRACKING**

During the regular legislative session, we monitored 57 bills. A total of 55 received public hearings and FOI Commission staff prepared statements for and/or testified on 12 of those bills. As of June 26, 2024, 15 of the 57 bills monitored became public acts.