

Freedom of Information Commission

At a Glance

COLLEEN M. MURPHY, *Executive Director/General Counsel*

Paula S. Pearlman,

Managing Director/Associate General Counsel

Russell Blair,

Director of Education and Communications

Established – 1975

Statutory Authority – CGS Section 1-200 et. Seq.

Central Office – 165 Capitol Ave., Hartford, CT 06106

Number of Employees – 16

Recurring operating expenses – \$1,983,206

Organizational structure – Commission

Mission

To ensure citizen access to the records and meetings of all public agencies in Connecticut in support of the public's right to know.

Statutory Responsibility

To administer and enforce the provisions of the Freedom of Information Act.

Public Service

The Commission holds hearings and renders decisions on citizen complaints alleging denial of access under the FOIA. It also conducts educational programs and prepares literature for public officials and the general public.

Improvements/Achievements 2022-2023

The Commission continued its efforts to efficiently tackle its heavy volume of contested cases, placing emphasis on its ombudsman program as it had done in previous years. In 2022, staff resolved 65% of cases without a hearing. The remaining 35% either went to a hearing, are scheduled for a hearing or may be resolved short of a hearing.

The 604 formal complaints the Commission received in 2022 was a decline from the year prior but not a dramatic departure from the number of complaints the Commission has historically

received. Prior to 2006, the highest number of complaints ever received by the Commission was 676 in 2000. Over the past five years the Commission has averaged 705 formal complaints.

While the Commission by statute must hear and decide appeals within a year of their filing, that requirement was suspended during the onset of the COVID-19 pandemic, leading to a number of cases that were filed more than a year ago and have yet to be resolved. The Commission has prioritized resolving those matters, and fewer than two dozen remain open.

In other matters of interest:

- Among the Commission's most critical accomplishments of the year was the resumption of in-person Commission meetings and contested case hearings beginning on September 5, 2022. Commission staff worked diligently and devised a process that took into account all health and safety concerns while providing an opportunity for parties who had declined virtual proceedings to have their cases heard in person at the Commission's offices in Hartford. Members of the public continue to have telephonic access to both Commission meetings and contested case hearings. The Commission has also streamlined the process for providing audio recordings of its meetings and hearings, directly uploading such recordings to its website. While hearings have resumed in person, staff continue to work a hybrid schedule and an electronic filing system has been maintained to provide remote access to the Commission's docket.
- The Commission maintained a robust schedule of outreach programs in 2022, hosting a total of 92 workshops in all corners of the state. Sessions were offered both remotely and in person, based on the needs of the entity that requested training. Through August 31, 2023, the Commission has conducted 73 workshops and is on pace to host more than 100 such programs by the end of the year. Additionally, the Commission will resume its annual conference in the fall of 2023 after a three-year postponement. The last conference, in 2019, drew a record 233 attendees and news of the resumption of the conference has been well-received by officials across Connecticut. The Commission in 2022 also sent representatives to the Council on Governmental Ethics Laws' annual conference in Montreal, where the Executive Director and Public Education Officer led an FOI roundtable discussion. A new Director of Education and Communications was hired in February 2023 to manage the agency's training programs.
- Connecticut's citizens and public officials continue to rely on the Commission for its advice and expertise on all matters related to the Freedom of Information Act. In any given week, the Commission answers more than 100 calls or emails. Many questions remain focused on new provisions in the law that allow for agencies to continue conducting remote or hybrid meetings. An increased focus on police accountability and a new state law governing police body cameras has also led to an uptick in calls and emails from both requesters and police departments dealing with law enforcement records.
- The Commission remains in constant dialogue with the Legislature about all proposed legislation that could impact the people's right to know. During the legislative session, the

Commission monitored 298 bills, including collective bargaining agreements. A total of 111 received public hearings and FOI Commission staff prepared statements for and/or testified on 22 of those bills. Two bills were passed that increase access to public records: Senate Bill 1221 (Public Act 23-200), An Act Concerning the Enforcement of Violations of the Freedom of Information Act, increases civil penalties for public agencies found to be in violation of the Freedom of Information (“FOI”) Act and empowers the FOI Commission to seek additional judicial relief in certain cases; and Senate Bill 1103 (Public Act 23-16), An Act Concerning Artificial Intelligence, Automated Decision-Making and Personal Data Privacy, provides for greater transparency concerning algorithms and automated decision-making systems utilized by state agencies to make policy decisions and other decisions that have significant effects on various aspects of an individual’s life. Additionally, the legislature provided funding in the biennial budget for an additional staff attorney and an additional administrative staff member to help the Commission more expeditiously hear contested cases.

Reducing Waste

The Commission is committed to regular reviews of its current operating procedures aimed at reducing waste and increasing efficiency.

Strategic Planning

- Hear and resolve contested cases in a timely fashion;
- Settle contested cases informally through ombudsman program;
- Defend the Commission through staff counsel in court appeals;
- Conduct workshops, provide speakers, publish Commission reports and other literature;
- Develop public policy positions with regard to issues of information accessibility, especially as they relate to such matters as emerging information technologies;
- Render declaratory rulings of general applicability under the FOIA;
- Expand and broaden community outreach program.

Information Reported as Required by State Statute

The Commission is committed to equal employment opportunities for all.