



General Assembly

January Session, 2019

Raised Bill No. 7383

LCO No. 5693



Referred to Committee on GOVERNMENT
ADMINISTRATION AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Any public agency [which] that maintains public records in a
4 computer storage system shall provide, to any person making a
5 request pursuant to the Freedom of Information Act, a copy of any
6 nonexempt data contained in such records, properly identified, on
7 paper, disk, tape or any other electronic storage device or medium
8 requested by the person, including an electronic copy sent to the
9 electronic mail address of the person making such request, if the
10 agency can reasonably make any such copy or have any such copy
11 made. Except as otherwise provided by [state statute] the general
12 statutes, the cost for providing a copy of such data shall be in
13 accordance with the provisions of section 1-212.

14 (b) Except as otherwise provided by [state statute] the general
15 statutes, no public agency shall enter into a contract with, or otherwise

16 obligate itself to, any person if such contract or obligation impairs the
17 right of the public under the Freedom of Information Act to inspect or
18 copy the agency's nonexempt public records existing on-line in, or
19 stored on a device or medium used in connection with, a computer
20 system owned, leased or otherwise used by the agency in the course of
21 its governmental functions.

22 (c) On and after July 1, 1992, before any public agency acquires any
23 computer system, equipment or software to store or retrieve
24 nonexempt public records, it shall consider whether such proposed
25 system, equipment or software adequately provides for the rights of
26 the public under the Freedom of Information Act at the least cost
27 possible to the agency and to persons entitled to access to nonexempt
28 public records under the Freedom of Information Act. In meeting its
29 obligations under this subsection, each state public agency shall
30 consult with the Department of Administrative Services as part of the
31 agency's design analysis prior to acquiring any such computer system,
32 equipment or software. The Department of Administrative Services
33 shall adopt written guidelines to assist municipal agencies in carrying
34 out the purposes of this subsection. Nothing in this subsection shall
35 require an agency to consult with said department prior to acquiring a
36 system, equipment or software or modifying software, if such
37 acquisition or modification is consistent with a design analysis for
38 which such agency has previously consulted with said department.
39 The Department of Administrative Services shall consult with the
40 Freedom of Information Commission on matters relating to access to
41 and disclosure of public records for the purposes of this subsection.
42 The provisions of this subsection shall not apply to software
43 modifications which would not affect the rights of the public under the
44 Freedom of Information Act.

45 Sec. 2. Subsection (c) of section 1-214 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2019*):

48 (c) A public agency which has provided notice under subdivision

49 (1) of subsection (b) of this section shall disclose the records requested
 50 unless it receives a written objection from the employee concerned or
 51 the employee's collective bargaining representative, if any, [within] not
 52 later than seven business days [from] after the receipt by the employee
 53 or such collective bargaining representative of the notice or, if there is
 54 no evidence of receipt of written notice, not later than nine business
 55 days from the date the notice is actually mailed, sent, posted or
 56 otherwise given. Each objection filed under this subsection shall be on
 57 a form prescribed by the public agency, which shall consist of a
 58 statement to be signed by the employee or the employee's collective
 59 bargaining representative, under the penalties of false statement, that
 60 to the best of his or her knowledge, information and belief there is
 61 good ground to support it and that the objection is not interposed for
 62 delay. Upon the filing of an objection as provided in this subsection,
 63 the agency shall not disclose the requested records unless ordered to
 64 do so by the Freedom of Information Commission pursuant to section
 65 1-206. Failure to comply with a request to inspect or copy records
 66 under this section shall constitute a denial for the purposes of section
 67 1-206. Notwithstanding any provision of this subsection or subsection
 68 (b) of section 1-206 to the contrary, if an employee's collective
 69 bargaining representative files a written objection under this
 70 subsection, the employee may subsequently approve the disclosure of
 71 the records requested by submitting a written notice to the public
 72 agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	1-211
Sec. 2	<i>October 1, 2019</i>	1-214(c)

GAE *Joint Favorable*