

State Statute Imposes Onerous Burden on Public Agencies

Coalition Urges General Assembly to Introduce a Legislative Remedy

Coalition Members:

CT Association of Assessor Officers

CT Association of Municipal Attorneys

CT Association of Realtors

CT Attorneys Title Insurance Company

CT Bankers Association

CT Conference of Municipalities

CT Council of Small Towns

CT Council on Freedom of Information

CT Daily Newspaper Association

CT Mortgage Bankers Association

CT State Library

CT Tax Collectors Association

CT Title Association

CT Town Clerks Association

CT Freedom of Information Commission

Registrar of Voters Association of CT

Secretary of the State of CT

State Elections Enforcement Commission

State Supreme Court Rules on FOI Case

A recent State Supreme Court decision confirms the interpretation of a Freedom of Information Act provision which prohibits disclosure of residential addresses of certain Federal, State and Municipal employees. The impact of this decision could be crippling to state and local agencies and could undermine public confidence in the integrity of many government records.

Though the court's decision narrowly applies to motor vehicle records, legal counsel for state and municipal agencies, as well as attorneys for the FOI Commission, are advising that the court's decision will apply to all public records, including land records, voter lists, and tax rolls, as well as all other records in every office of every public agency in the state; and it applies to all formats of records, both printed and electronic.

The impact of this decision has an immediate effect on state agencies and municipalities and a legislative remedy is urgently needed and should be acted upon without delay.

Agencies Will Not be Able to Comply with the Court's Decision

Compliance with the court's decision promises to create immediate havoc by disrupting, for example, title searches, service of process, collection of debts, and notification of adjoining landowners in planning and zoning matters. Access to voter lists will be compromised, as will the records of tax assessors, municipal clerks, the Secretary of the State, and the State Elections Enforcement Commission. If a legislative remedy is not acted upon clerks, assessors, and registrars will not be able to meet their duties under the law to certify the accuracy and completeness of their records that must be open to the public. In addition they will no longer be able to comply with other Statutes that prohibit the alteration of certain public records.

Long Standing Access to Public Records in Jeopardy

Public agencies will not be able to ensure that all their records comply with the Supreme Court's decision; therefore many of these records will not be available to the public for viewing which is a concern to the users of these public records.

This decision has broad implications from the affect on government and commerce to the integrity of voting and town records. Redacting addresses that are integral to the purpose of the records that contain them irreparably damages the people's right to know that their government is functioning competently and fairly.

The coalition is in agreement that:

- With the Supreme Court's interpretation of CGS § 1-217 it places an unrealistic burden of identifying and redacting all public documents where protected individuals may appear.
- The costs associated with this unfunded mandate are extreme due to the scope and volume of public records that are in print, electronic and microfilm formats.
- It is impossible for any agency to ensure ongoing compliance, causing potential liability for municipal and state agencies.
- CGS § 1-217 conflict with other State Statutes (§ 1-240 and § 53-153) which prohibit the redaction or alteration of original public records.

- The Court's decision grievously harms our commercial and government institutions, which for centuries have relied on land records, tax rolls, voter lists, and other public records to be complete, accurate and open to the public.

Proposed Language:

§ 1-217. Nondisclosure of residential addresses of certain individuals

(a) No [public agency] state department, agency, board, council, commission or institution may disclose from its personnel records, under the Freedom of Information Act, the residential address of any of the following persons employed thereby, if such person submits a written request for such nondisclosure and furnishes his business address to the executive head of such department, agency, board, council, commission or institution.

This revision reverts to the pre-1999 text of the statute, but also clarifies the statute only applies to an agency's own employees and explicitly limits its scope to the personnel records of the state agency in question. There is also the requirement of a written request.

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