

HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT

(Be sure to consult statutes)

PUBLIC AGENCIES

You have the right to obtain records and attend meetings of all public agencies—with certain limited exceptions.

This applies to:

- State and local government agencies, departments, institutions, boards, commissions and authorities and their committees.
- Executive, administrative or legislative offices, and the judicial branch and the Division of Criminal Justice with respect to their administrative functions.
- Certain private entities based on the following criteria: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by the government.

PUBLIC MEETINGS

I. Meetings, including hearings and other proceedings, must be open to the public, except in limited situations.

A public meeting is any hearing or other proceeding of a public agency, gathering of, or communication by a quorum of a multi-member agency, to discuss or act on any matter over which it has authority.

The following are not public meetings: meetings of certain personnel search committees; collective bargaining strategy and negotiating sessions; caucuses; chance or social gatherings not intended to relate to official business administrative or staff meetings of a single-member agency (*e.g.*, mayor); and communications limited to notice of agency meetings or their agendas.

No registration or other requirements may be imposed on a member of the public seeking attendance at a public meeting.

The public, as well as the news media, may photograph, record or broadcast meetings, subject to prior reasonable rules regarding non-interference with the conduct of the meeting.

II. Only three kinds of meetings are recognized under the Freedom of Information Act: Regular, Special and Emergency.

A state agency must file each year a schedule of its regular meetings with the Secretary of the State. A town or city agency must file each year a schedule of its regular meetings with the clerk of the town or city. A multi-town district or agency must file each year a schedule of its regular meetings with the clerk of each municipal member of the district or agency. A special meeting may be called up to twenty-four hours (excluding weekends, holidays and days on which the office of the Secretary of the State or municipal clerk, as the case may be, is closed) before the time set for the meeting. A special meeting is called by filing a notice stating the time, place and business to be transacted.

A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk; a multi-town district or agency files this notice with the clerk of each municipal member of the district or agency.

An emergency meeting may be held without complying with the preceding notice requirements. However, the agency must file its minutes, including the reason for the emergency, within seventy-two hours (excluding weekends and holidays) of the meeting with the Secretary of the State if a state agency; or with the municipal clerk if a local agency; or with the clerk of each municipal member if a multi-town district or agency.

III. You are entitled to receive a copy of the notice and agenda of a meeting.

An agency is required to send a notice of its meetings, where practicable, at least one week prior to the meeting date, to any person who has made a written request. The agency may establish a reasonable charge for this service.

Each agency must make available its agenda for each regular meeting at least twenty-four hours before the meeting to which it refers. New business not on the agenda may be considered and acted on only on a two-thirds vote of the members of the agency.

IV. Agency minutes and records of votes must be available to the public.

The minutes of each agency meeting must be made available to the public within seven days of the session to which they refer in the agency's office,

if it has one; or, if none, in the office of the Secretary of the State for state agencies or in the municipal clerk's office for local agencies. In the case of special meetings, the seven-day period excludes weekends and holidays. The minutes must contain the record of each member's vote on any issue before the agency.

The vote of each member on any issue must be put in writing and made available to the public within forty-eight hours, excluding weekends and holidays, of the meeting at which the votes were taken.

The minutes of a meeting at which an executive session occurs must indicate all persons who were in attendance at the closed session, except for job applicants who were interviewed.

EXECUTIVE SESSIONS

I. An agency may close certain portions of its meetings by a vote of two-thirds of the members present and voting. This vote must be conducted at a public session.

Meetings to discuss the following matters may be closed: specific employees (unless the employee concerned requests that the discussions be open to the public); strategy and negotiations regarding pending claims and litigation; security matters; real estate acquisition (if openness might increase price); or any matter that would result in the disclosure of a public record exempted from the disclosure requirements for public records.

Any business or discussion in a closed session must be limited to the above areas.

The agency may invite persons to present testimony or opinion in the executive session, but their attendance must be limited to only the time necessary for that testimony or opinion.

PUBLIC RECORDS

I. Most records or files of state and local agencies, including minutes of all their meetings, are available to the public for inspection or copying.

This includes:

Information or data which is typed, handwritten, tape-recorded, printed, photographed or computer-stored.

Most inter-agency and intra-agency memoranda or letters.

II. Records specifically exempted from disclosure by federal law or state statute are not available to the public.

In addition, the following records may not be available to the public: some preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some witness and victim identification information; records relating to pending claims and litigation; trade secrets; test questions used to administer licensing, employment or academic examinations; real estate appraisals and construction contracts until all of the property has been acquired; personal financial data required by a licensing agency; records relating to collective bargaining; tax returns and communications privileged by the attorney-client relationship; names and addresses of public school students; information obtained by illegal means; certain investigation records of reported misconduct in state government or names of state employees who report such misconduct to the State Attorney General or Auditors; certain adoption records; election, primary, referenda and town meeting petition pages, until certified; certain health authority complaints and records; certain educational records; and records, the disclosure of which the Commissioner of Correction has reasonable grounds to believe may result in a safety risk. Also, records of personnel search committees need not be disclosed if they would identify executive level employment candidates without their consent.

III. You may inspect public records during regular office hours but copies, printouts or transcripts should be requested in writing.

The fee for a copy of a public record from a state agency may not exceed twenty-five cents per page. The fee for a copy of a public record from a non-state agency must not exceed fifty cents per page. The fee for a computer disk, tape, printout or for a transcript, or a copy thereof, must not exceed the actual cost to the agency involved. The agency may also require the prepayment of these fees if their estimated cost is \$10 or more. No sales tax may be imposed for copies of the public records requested under this Act.

The agency is required to waive any fee for copies if the person requesting the copies is poor and cannot afford it; if the records are exempt from disclosure; or if the agency determines that the request benefits the public welfare.

There is an additional charge for a certified copy of a public record.

You are entitled to prompt access to inspect or copy public records. If an agency fails to respond to a request within four business days, such failure can be treated as a denial of the request.

THE FREEDOM OF INFORMATION COMMISSION

I. You may appeal the denial of any right conferred by this Act to the Freedom of Information Commission.

You do not have to hire a lawyer to appeal to the Commission.

You must, however, appeal to the Commission within thirty days of the denial of any right conferred by this Act.

II. If you have any questions concerning your rights under the Freedom of Information Act, including how to appeal, contact:

Freedom of Information Commission

State of Connecticut

18-20 Trinity Street

Hartford, CT 06106

Telephone: (860) 566-5682

Fax (860) 566-6474

e-mail: foi@po.state.ct.us

web site: www.state.ct.us/foi/

