



STATE OF CONNECTICUT
DEPARTMENT OF
EMERGENCY MANAGEMENT AND HOMELAND SECURITY



OFFICE OF THE COMMISSIONER

ADVISORY BULLETIN 2007-2

April, 2007

GUIDELINES FOR FREEDOM OF INFORMATION AND SECURITY IN THE
RELEASE OF EMERGENCY PLANS

Introduction: The Connecticut Department of Emergency Management and Homeland Security has received many inquiries from various municipalities, members of the media and other Connecticut citizens regarding the public release of municipal emergency plans. These plans are local documents, and as such, the decision to release, or to request an exemption from release under the state's freedom of information laws, must remain the responsibility of the municipality in question. Nonetheless, in an effort to make this decision-making process as smooth as possible, DEMHS is providing the following guidance:

1. In dealing with emergency plans, it may be necessary to consider whether the release of certain information would create a security risk. In general, the first question to be answered is whether the whole document needs to be protected, or whether there may be sections that can be released without causing a safety risk. The following guidelines focus on two specific exemptions found in the Freedom of Information (FOI) statutes, but other exemptions are contained in the entire text of Connecticut General Statutes §1-210, as well as in other sections of the general statutes.
2. The state FOI statutes contain language on how to handle FOI requests for security-related information. See Conn. Gen. Stat. §§1-210(b)(19) and 1-210(d). There is a specific exemption under the FOI law to allow a local or state public agency to claim an exemption for the release of "emergency plans and emergency recovery or response plans" if there are "reasonable grounds to believe that disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility." Conn. Gen. Stat. §1-210(b) (19)(viii).

If a government agency, whether state or local, intends to invoke these sections to prevent release of security-sensitive records, the municipality/agency head should send a letter to the state Department of Public Works (DPW) Commissioner (currently, James T. Fleming) stating the municipality/agency's position on the release and citing the relevant statutory section(s). The letter should be copied to the municipality/agency human resource director, internal legal counsel and any others that the municipality/agency head deems relevant. Attach a copy of the Freedom of Information request.

25 SIGOURNEY STREET, 6TH FLOOR, HARTFORD, CT 06106-5042
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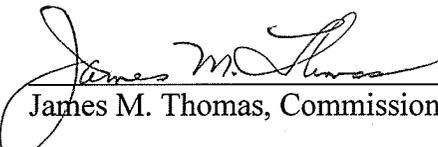
3. DPW reviews the records on a case-by-case basis. Arrangements should be made to send or hand-deliver one copy of the documents to the DPW Commissioner's office:

Commissioner James T. Fleming
Department of Public Works
165 Capitol Avenue, Room 429
Hartford, CT 06106-1606

Please also call Ray Philbrick, (860) 713-5811, or Jeff Beckham, (860) 713-5680, to notify them of the request. Additional information on this process may be found on the DPW web site.

4. In the case of the release of security-sensitive material, DPW may contact not only municipality/agency employees and officials, but also, among others, the state Departments of Emergency Management and Homeland Security, Public Safety, and/or the Department of Information Technology.
5. After consulting with the chief executive officer of the agency or municipality, the DPW Commissioner will make a determination whether the requested records are exempt from disclosure under the provisions of Section 1-210(b) (19) and/or 1-210(d), and will notify the municipality/agency head accordingly by issuing a letter. The municipality/agency head may be:
 - A. Directed to withhold the records,
 - B. May be advised the records do not fall under these sections,
 - C. Or may be asked to submit a redacted version.
6. The municipality is requested to notify DEMHS of the release or withholding of all or part of any emergency plan.

Issued by Order of the Commissioner of the Department of Emergency Management and Homeland Security:


James M. Thomas, Commissioner

4/5/2007
Date