

**Module 2**  
**The Boundaries**  
**FREEDOM OF**  
**INFORMATION**

*Presented by*  
*Thomas Hennick, FOI*



STATE OF CONNECTICUT  
Freedom of Information Commission



**HIGHLIGHTS OF THE 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
  - ◆ State Government
  - ◆ Local Government
  - ◆ Executive, Legislative & Judicial
  - ◆ (there are limited exceptions)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## PUBLIC MEETINGS

- Meetings, including hearings and other proceedings, must be open to the public - except in limited situations.
  - ◆ "Public agency"
  - ◆ No 'registration' requirement can be imposed
  - ◆ Media, photographing, recording and broadcasting are allowed unless it interferes

public meetings  
public can attend,  
but can not  
speak

## PUBLIC MEETINGS

- EXCLUDES:
  - ◆ Personnel Search committees
  - ◆ Collective Bargaining negotiating
  - ◆ Caucuses
  - ◆ Chance, or social gatherings
  - ◆ Single -member agency staff meetings (I.e. your staff meetings, project meetings etc. )
  - ◆ Communications limited to notice of agency meetings or agendas

---

---

---

---

---

---

---

---

## 3 Kinds of Meetings Recognized in FOI Act

- Regular
  - ◆ State Agency
  - ◆ City
  - ◆ Multi Town district
- Special
  - ◆ Can be called up to 24 hours prior, on business day, with public notice of time, date, business
- Emergency
  - ◆ Must file minutes w/i 72 hours noting emergency

} Must file a yearly Schedule

---

---

---

---

---

---

---

---

## **PUBLIC MEETINGS**

- When you request in writing, you are entitled to receive
  - ◆ notice of meeting and
  - ◆ agenda of a meeting.
  - ◆ 1 week prior
  - ◆ Agency may charge for this service

---

---

---

---

---

---

---

---

## **PUBLIC MEETINGS**

- Minutes and Votes
  - ◆ Minutes available to public w/i 7 days
  - ◆ Vote of each member must be available in writing to public within 48 business hours
  - ◆ In the agency office, Secretary of State Office or Town clerk's office

---

---

---

---

---

---

---

---

## **EXECUTIVE SESSIONS**

- An agency may close certain portions of its meetings
  - ◆ By vote of 2/3 of the members present
  - ◆ vote must be conducted publicly
  - ◆ Meetings can be closed for:
    - ◆ Discussing specific employees
    - ◆ Litigation negotiation
    - ◆ Security
    - ◆ Real Estate acquisition
    - ◆ Preventing disclosure of exempt record

---

---

---

---

---

---

---

---

## PUBLIC RECORDS

- Most records or files of state and local agencies, including minutes of all their public meetings, are available to the public for inspection or copying.
- INCLUDES:
  - ◆ Typed
  - ◆ Handwritten
  - ◆ Recordings
  - ◆ Photos
  - ◆ Agency memoranda & letters

---

---

---

---

---

---

---

---

## PUBLIC RECORDS

- The following may be exempt from disclosure based on their content:
  - ◆ Drafts
  - ◆ Personnel and Medical files
  - ◆ Law enforcement records (juveniles, witness or victim ID)
  - ◆ Pending litigation records
  - ◆ Trade secrets
  - ◆ Test questions
  - ◆ Real estate documents until close

---

---

---

---

---

---

---

---

## PUBLIC RECORDS

- The following may be exempt from disclosure based on their content:
  - ◆ Personal financial data (for a license)
  - ◆ Collective Bargaining records
  - ◆ Tax Returns
  - ◆ Attorney/client privileged communication
  - ◆ Id of public school students
  - ◆ Adoption records
  - ◆ Election and related, until certified

---

---

---

---

---

---

---

---

## PUBLIC RECORDS

- The following may be exempt from disclosure based on their content:
  - ◆ Records related to security risk
  - ◆ Some educational records
  - ◆ Personnel search records that would identify executive candidate w/o consent
  - ◆ Some health authority complaints
  - ◆ Investigation records of misconduct in state Govt. and 'whistleblower' info reported to State Auditor or Attorney General

---

---

---

---

---

---

---

---

## PUBLIC RECORDS

- You may inspect public records during regular office hours
- Copies, printouts or transcripts should be requested in writing:
  - ◆ 25 cents/pg - State
  - ◆ 50 cents/pg - Non-state
  - ◆ Fee for computer copy at cost (CD, disc etc.)
- A response must be provided within 4 business days
- Failure to respond can be treated as a denial of FOI rights
- A reasonable amount of time must be allowed to grant inspection or copies of public records

---

---

---

---

---

---

---

---

## FREEDOM OF INFORMATION COMMISSION

- You may appeal the denial of any of these rights to the FOI commission.
  - ◆ You do not have to hire a lawyer
  - ◆ You must appeal to the Commission within 30 days of the denial

---

---

---

---

---

---

---

---

**FREEDOM OF INFORMATION COMMISSION**

▪ Questions concerning your rights under the freedom of information act, including how to appeal?

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

18-20 TRINITY STREET  
HARTFORD, CONNECTICUT 06106

TELEPHONE: (860) 566-5682  
TOLL-FREE (CT ONLY): (866) 374-3617  
FAX: (860) 566-6474

EMAIL: [FOI@PO.STATE.CT.US](mailto:FOI@PO.STATE.CT.US)  
[HTTP://WWW.STATE.CT.US/FOI](http://WWW.STATE.CT.US/FOI)

Questions?

Thomas Hennick  
Freedom of Information Commission

[Thomas.hennick@ct.gov](mailto:Thomas.hennick@ct.gov)

exceptions  
exemptions  
exclusions

3 E'S

EXceptions =  
other state or federal  
law precluding  
disclosure

- Examples =
- Federal Copyright Act
  - teacher evaluations  
CGS § 10-151c

EXemptions = CGS §  
1-210(b), 24 permissive  
- not mandatory, exemptions

EXCLUSIONS = e.g.)  
redacting SSNs