



Legislative Testimony
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Written Testimony Supporting Senate Bill 1221, An Act Concerning the Enforcement of Violations of the Freedom of Information Act and Reporting Open Requests

Senator Flexer, Representative Blumenthal, Ranking Members Sampson and Mastrofrancesco, and distinguished members of the Government Administration and Elections Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in strong support of Senate Bill 1221, An Act Concerning the Enforcement of Violations of the Freedom of Information Act and Reporting Open Requests.

Injustice thrives in the dark. The ability to shed sunlight on government action through Freedom of Information (FOI) requests is essential to holding public officials accountable and to preventing state-sanctioned discrimination, abuse, and mismanagement. When a member of the public believes that the government has unjustly denied a Freedom of Information request, they should be able to quickly and easily seek recourse. Failure to abide by FOI law is a serious threat to democracy, and fines paid by the government should reflect this.

Current law caps fines for violations of FOI law at \$1,000, and this number has not increased since 1984.¹ At the same time, high legal standards prevent the FOIC from fining for violations in the first place. In the last ten years, only six fines were issued

¹ Jacqueline Rabe Thomas & Brian Lockhart, *Lawmakers Eye Statewide Changes to Public Records Access After Hearst CT Probe*, STAMFORD ADVOCATE (Feb. 25, 2023), <https://www.stamfordadvocate.com/news/article/lawmakers-eye-changes-records-access-hearst-ct-17804302.php?src=sthplocal>.

against public agencies.² At the same time, recent investigative reporting by *CT Insider* found that state and municipal agencies are rife with FOIC complaints. Bridgeport, for example, has openly violated FOI law thirty-six times during the last ten years and has been subject to 253 FOI complaints.³

The ACLU-CT regularly files FOI requests in our efforts to ensure that the government upholds our Constitution's promises. Government transparency is critical to democracy, and FOI requests are a valuable tool for members of the public to ensure that their governments are working for them. We support efforts that will hold government actors accountable when they fail to abide by FOI law. We would recommend that this Committee consider an amendment that would expand beyond situations where there is "reckless, willful or wanton misconduct." The ACLU-CT supports Senate Bill 1221, and urges this Committee to do the same.

² *Id.*

³ *Id.*