



Legislative Testimony

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Written Testimony Opposing Proposed House Bill 5354, An Act Concerning Freedom of Information Act Appeals

Senator McLachlan, Senator Winfield, Representative Fox, and distinguished members of the Government Administration and Elections Committee:

My name is Dan Barrett, and I am the legal director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to Proposed House Bill 5354, which would impose a fee \$125 fee on filing a Freedom of Information Act complaint. As an organization committed to government for and by the people, the ACLU-CT strongly supports robust, accessible Freedom of Information systems.

Injustice thrives in the dark. The ability to shed sunlight on government action through Freedom of Information 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, he or she should be able to quickly and easily seek recourse.

The net effect of this bill, however, would be to stifle government transparency and accountability. By requiring members of the public to pay up front to appeal a denied Freedom of Information request, this proposal would reward bad government behavior while punishing public attempts to secure transparency. Repeat government offenders would be able to routinely and unjustly deny Freedom of Information requests with impunity, while members of the public seeking transparency would be forced to pay up front to secure justice. This goes against our democracy's principles of government by and for the people.

The ACLU of Connecticut regularly files Freedom of Information requests in our efforts to ensure that the government upholds our Constitution's promises. Last year, we requested information from all police departments in the state regarding whether they had purchased or used drones or cellphone surveillance devices. Three departments refused to provide us with that information, and we appealed to the Freedom of Information Commission. The Commission ruled in our favor and ordered the departments to provide us with the records that we sought. This appeal process was an important mechanism for us to be able to obtain vital public information. Because of our requests, we—and, more importantly, other members of the public—have a better understanding of the scope of police surveillance programs in Connecticut, which have critical implications for privacy rights.

Government transparency is critical to democracy, and Freedom of Information requests are a valuable tool for members of the public to ensure that their governments are working for them. I urge you to oppose Proposed House Bill 5354.