



Legislative Testimony
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**Written Testimony Opposing
House Bill 5261, An Act Concerning Fees Charged by
Municipalities Under the Freedom of Information Act**

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

My name is Kaley Lentini, and I am legislative counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in opposition to House Bill 5261, An Act Concerning Fees Charged by Municipalities Under the Freedom of Information Act.

As an organization that values government transparency and accessibility, the ACLU-CT supports people having access to public records created by municipalities. We believe this bill would stifle people's accessibility to information they have a right to obtain.

H.B. 5261 would make it more difficult and expensive for people to obtain the public information they seek from municipalities. The bill's definition of "commercial purpose" includes the "indirect use" of any part of a public record for sale, resale, or solicitation, among other things. It is unclear what an "indirect use" would be. Without a clear definition of what a "commercial purpose" is, this provision is ripe for abuse by the government. The bill also gives municipalities an incentive to consider uses "commercial purposes," because they can charge higher fees for such uses of the requested information.

The ACLU-CT, a nonpartisan and non-profit organization, spends hundreds of dollars each year to obtain basic, routine information from municipal and state government agencies. Should this bill become law, we may be forced to spend much more on litigation regarding governmental denials of Freedom of Information Act requests that stem from confusion about this bill's language. Would we, a non-profit organization, be required to pay more for information simply if we used the information we received in our appeals for charitable contributions? Would this be considered "any use by which the user expects a profit?"

This bill's lack of clarity could have a chilling effect on people's abilities to access information from their government. The lack of clarity in this bill's language may cause people, even those who would clearly not be using the information for commercial purposes, to not request public information for fear of having to pay a higher fee. Even if there was a more clear definition of "commercial purpose," however, we believe that people who access public information should be able to use it in legal ways they see fit. Furthermore, there is no reasonable argument to be made for charging additional fees for copies of public records provided in electronic form for commercial purposes, and it is unclear how a municipality would determine "the commercial value of the information" when establishing such fees.

If this bill passes into law, it has the potential to make public municipal documents inaccessible and unaffordable to everyday people. The ACLU-CT strongly urges you to oppose this bill.