Know your Local Government



Freedom of INFORMATION

This pamphlet is issued as a public service by The Shuleek Nader Trust for the Community Interest. The Trust is a charitable and educational organization whose purpose is to strengthen democratic practices by people in communities.

FREEDOM OF INFORMATION

The state of Connecticut requires that the public have access to most government documents and records. Any member of the public can inspect most public records, and can get a copy just by making a written request. The person does not have to give the reason or follow a special format, but the documents have to be described enough so that the employee or agency can locate them.

A fee can be charged of up to fifty cents per page. If obtaining a copy requires that a transcription or printout be made, the fee cannot be more than the cost to the agency of making the transcription or printout. Fees can be waived if the agency determines that the disclosure will benefit the general welfare, so it may be worth giving the reason for the request if that would help in getting a waiver of the fee. If certified copies are needed, the fee can be up to a dollar for the first page and fifty cents for each additional page. Payments in advance may be required if the fee is estimated to be more than ten dollars, but no sales tax may be charged.

WHAT IS A PUBLIC RECORD?

The law defines a public record very broadly to include any recorded data or information prepared, used, owned or retained by a public agency relating to public business. It may be handwritten, typed, tape recorded, printed, photostated, photographed or recorded by any other method. Thus, a map or diagram can be a public record, as can a videotape or picture.

WHAT ARE THE EXCEPTIONS?

There are some records which are specifically exempted from disclosure. They include:

- some preliminary drafts or notes
- certain law enforcement records
- juvenile arrest records
- trade secrets
- personnel or medical files
- real estate appraisals and construction contracts until the transaction is complete
- records of pending claims and litigation, but only until the matter is resolved
- records of a personnel search for executives
- certain adoption records

WHAT IS AN AGENCY?

The definition of an agency is also very broad. It is any office of the state or any of its political subdivisions. Courts have a special status and are covered only as to their administrative functions, but otherwise the definition includes all the boards, departments, bureaus, commissions, and subdivisions run by a governmental unit. School districts, sewer districts, tax districts and regional districts are also covered.

WHAT ABOUT MINUTES OF MEETINGS?

Connecticut law also requires that most meetings of public agencies be open to the public, that votes be recorded in writing and be available for inspection and that minutes be available within seven days. Agendas must be available at least twenty four hours in advance of meetings. A schedule must be filed by January 31 of the meetings for the coming year.

SAMPLE REQUEST

(name and address of department head)

Dear

Pursuant to the Connecticut General Statutes 1-14, I hereby request copies of the following records:

(describe the documents wanted)

I am requesting waiver of the fee because the records will be used for a study group to enhance public understanding of local government and will thus benefit the general welfare.

In the event fees will be charged exceeding $10.00, please advise me in advance of the amount.

Sincerely,

WHAT IF THE REQUEST IS DENIED?

Records can be inspected during regular business hours, and a written request for copies must be answered in writing within four business days. A failure to respond within that time is treated as a denial.

A denial may be appealed any time within thirty days to:

The Freedom of Information Commission
97 Elm Street (rear entrance)
Hartford, Ct. 06106
(203) 566-5682

WHAT IS A MEETING?

A meeting is any hearing or other proceeding of a public agency, any convening of a quorum and any communication by or to a quorum. Thus a "meeting" can be a telephone call if the call otherwise meets the requirements of the definition. A meeting does NOT include a chance of social meeting not intended to discuss official business.

There are three kinds of meetings: regular, special and emergency. A schedule of regular meetings is filed by each agency. Special meetings require at least twenty-four hours notice. Emergency meetings may be had without notice, but the minutes must be filed within seventy two hours. For other meetings, the minutes must be filed within seven days. For most local offices, the town clerk's office is the place where minutes are filed.

WHAT IS AN EXECUTIVE SESSION?

Some portions of a public meeting may be closed if 2/3 of the body votes, in a public session, but only for certain specific purposes:

1. Discussion about an employee (but the employee affected can ask for an open meeting),
2. Strategy and negotiations about pending claims - but only until the claim is resolved,
3. Security matters,
4. Lease, sale or purchase of real estate where publicity would affect the price - but only until the transaction has occurred,
5. Discussion which would result in the disclosure of information protected by law.

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