

Guide for State Employees Protected by Connecticut General Statute §1-217 of the Freedom of Information Act

On March 6, 2012, Governor Dannel P. Malloy signed into law Public Act 12-3, *An Act Concerning the Exemption from Disclosure of Certain Addresses under the Freedom of Information Act*, which amends Conn. Gen. Stat. § 1-217 of the Freedom of Information Act regarding certain public employees whose residential addresses previously had been protected from disclosure by FOIA.

The Public Act maintains that residential addresses in the employee's personnel, medical or similar files, are still automatically protected from disclosure by the agency where the protected employee works. However, it is important to note that public agencies no longer are required to redact any residential addresses from real property documents pursuant to Conn. Gen. Stat. § 7-35bb, election lists prepared under Title 9, or grand lists published under Conn. Gen. Stat. § 12-55.

Additional redaction of residential addresses by public agencies (that are not the employer) may be provided with regard to certain other limited public records. The employees protected by this law must now affirmatively request that residential addresses be protected from disclosure by any public agency that does NOT employ said employee through a **written request**. The employees that can make such a request are:

- (1) A federal court judge, federal court magistrate, judge of the Superior Court, Appellate Court or Supreme Court of the state, or family support magistrate;
- (2) A sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn law enforcement officer within the Department of Energy and Environmental Protection;
- (3) An employee of the Department of Correction;
- (4) An attorney-at-law who represents or has represented the state in a criminal prosecution;
- (5) An attorney-at-law who is or has been employed by the Division of Public Defender Services or a social worker who is employed by the Division of Public Defender Services;
- (6) An inspector employed by the Division of Criminal Justice;
- (7) A firefighter;
- (8) An employee of the Department of Children and Families;

- (9) A member or employee of the Board of Pardons and Paroles;
- (10) An employee of the judicial branch;
- (11) An employee of the Department of Mental Health and Addiction Services who provides direct care to patients; or
- (12) A member or employee of the Commission on Human Rights and Opportunities.

How to Submit a Written Request to a Public Agency

Any public employee listed above may request that his/her residential address be redacted from certain public records by filling out the attached form. You can download the form and, after filling in the required information, you may either send the form by e-mail or regular mail to the appropriate public agency. E-mail transmission is encouraged in order to reduce administrative burdens and for ease of record keeping. Please send the form to: (1) for state agencies, the Human Resources Director of that agency, or (2) for municipalities, the relevant department or agency.

How to File a Complaint with the Freedom of Information Commission

If an employee listed above believes that his/her residential address has been improperly disclosed, the employee may file a complaint with the Freedom of Information Commission ("FOIC"), which is the agency exclusively responsible for adjudicating such complaints. Section 1-21j-28 (a)-(b) of the Regulations of Connecticut State Agencies outlines the format for complaints submitted to the FOIC:

All complaints shall be in writing and shall include the following components:

- (a) The complainant's name, address, and telephone and fax numbers, if any.
- (b) A concise statement of the relevant facts, including but not limited to the items that follow:
 - (1) The date of the alleged violation of the Freedom of Information Act.
 - (2) The name, title, address, and telephone and fax numbers, if known, of the public agency and any public agency official alleged to have denied the complainant a right conferred by the Freedom of Information Act.

- (3) If the complaint concerns the denial of access to public records, a description of, or reference to, the requested records; if the complaint concerns the denial of access to a meeting of a public agency, the date of such meeting; and if a complaint seeks an expedited hearing under subsection (b) of section 1-21j-29 of the Regulations of Connecticut State Agencies, a brief statement setting forth the reasons why the hearing should be expedited pursuant to that section.
- (4) A copy of any pertinent correspondence or other documents.
- (5) An explanation of any unusual circumstances involved in the complaint, to which the commission shall be expected to direct its particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order.

A public agency will not be found to have violated the FOIA unless disclosure of the protected residential address is “wilful and knowing.” Where FOIC finds a wilful and knowing violation, it may impose a civil penalty between \$20 and \$1,000. There is no private right of action for wrongful disclosure.

Complaints should be sent to:

Freedom of Information Commission
18-20 Trinity Street
Hartford, CT 06106

[Click here for a copy of the Request Letter](#)