

General Statutes §1-217:
Non-Disclosure of
Residential Addresses

§ 1-217. Nondisclosure of residential addresses of certain individuals

- (a) No public agency may disclose, under the Freedom of Information Act, *the residential address* of any of the following persons:
- (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 Public Safety or a sworn law enforcement officer within the Department of 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 Public Defender Services Division or a social worker who is employed by the Public Defender Services Division;
 - (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.
- (b) The business address of any person described in this section shall be subject to disclosure under section 1-210. The provisions of this section shall not apply to Department of Motor Vehicles records described in section 14-10.

Commissioner of Public Safety v. Freedom of Information Commission, 301 Conn. 323, 21 A.3d 737 (June 28, 2011).

- Question Before the Court: Does the obligation of a municipal assessor to publish the Grand List under General Statutes §12-55(a) trump §1-217?
- -Section 12-55(a):
 - “On or before the thirty-first day of January of each year... the assessors or board of assessors **shall publish the grand list for their respective towns**. Each such grand list shall contain the assessed values of all property in the town, reflecting the statutory exemption or exemptions to which each property or property owner is entitled, and including, where applicable, any assessment penalty... **The assessor or board of assessors shall lodge the grand list for public inspection**, in the office of the assessor on or before said thirty-first day of January...”

Commissioner of Public Safety v. Freedom of Information Commission,
301 Conn. 323, 21 A.3d 737 (June 28, 2011).

Reading these statutes together, as we are required to do by §1–2z, we conclude that there is no ambiguity regarding a town assessor's obligation not to disclose the home addresses of the designated public officials and employees when making a grand list and its component data available for public inspection, despite the lack of an explicit exception in § 12–55, because § 1–217(a) prohibits the disclosure of such information and § 1–210(a) expressly supports this prohibition by permitting exceptions to disclosure when specifically authorized by any federal law or state statute.

General Statutes §1-2z. Plain meaning rule

The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered.

I'm Not An Assessor. I Don't Even Like My Assessor. Why Do I Care?

Disclaimer: The following statements are intended to represent a summary of reasonable arguments and concerns regarding the possible interpretation of statutes and case law as applied to situations which may or may not arise in the future as expressed by a variety of individuals. The expression of any such arguments and/or concerns should not be construed as definitive statements of law and the speaker reserves the right to raise any available countervailing arguments and or defenses in the event of future litigation.

Why Do I Care?

- 1. The Court's Reasoning Appears to Apply Broadly
- 2. It is Hard to Fathom the Depth of the Law
- 3. It Doesn't "Just" Apply to Requests "Under the Freedom of Information Act"
- 4. It is Particularly Hard to Address in the Age of Computerized "Database" Records
- 5. No way of knowing the number of people in your town who are covered by the law and no requirement that they tell you
- It is both over-inclusive and under-inclusive.

...So What Could Happen To Me?

- Appeal to the FOIC - G.G.S. §1-206(b)(1):
Any person denied the right to inspect or copy records under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission...
- Civil action to court.

How Did We Get Here?

SSB 1011: Public Act 99-77, §1 - Approved May 27, 1999:

<<+(a)+>> No state department, agency, board, council, commission or institution may disclose, under the Freedom of Information Act, 1 the residential address of <<+any of the following persons+>>:

.....

(7) A firefighter<<+; or+>> <<- , if such person submits a written request for such nondisclosure and furnishes his business address to the executive head of such department, agency, board, council, commission or institution.->>

...One Month Later

SHB 7016: Public Act 99-156, §3 - Approved 6/23/99:

No <<-state department, agency, board, council, commission or institution->> <<+public agency+>> may disclose, under the Freedom of Information Act, 1 the residential address of:

.....

- (7) A firefighter, if such person submits a written request for such nondisclosure and furnishes his business address to the executive head of such department, agency, board, council, commission or institution. The business address of any person described in this section shall be subject to disclosure under section 1-210. The provisions of this section shall not apply to Department of Motor Vehicles records described in section 14-10

One Possible Solution:

Coalition Members:

CT Council of Small Towns

CT Title Association

CT Tax Collectors Association

CT Town Clerks Association

CT Conference of Municipalities

Secretary of the State of CT

CT Department of Public Health

Mortgage Bankers Association

CT Bankers Association

CT Association of Realtors

CT Freedom of Information Comm'n

CT Public Records Administrator

Registrar of Voters Association of CT

Government Finance Officer Ass'n of CT

CT Council on Freedom of Information

CT Association of Municipal Attorneys

CT Association of Assessor Officers

CT Attorneys Title Insurance Company

CT Bar Association-Real Property Section

State Elections Enforcement Commission

(a) No [public agency]state department, agency, board, council, commission or institution may disclose from its personnel records, under the Freedom of Information Act, the residential address of any of the following persons employed thereby, if such person submits a written request for such nondisclosure and furnishes his business address to the executive head of such department, agency, board, council, commission or institution.