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**Written Testimony
Comptroller Kevin Lembo
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**Concerning
H.B. 5175: An Act Concerning Appeals Under the Freedom of Information Act**

Good morning Senator Flexer, Representative Fox, Senator McLachlan, Representative Devlin, and Members of the GAE Committee:

I write to voice strong opposition to HB 5175: An Act Concerning Appeals Under the Freedom of Information Act.

This proposed bill would apply an exorbitant \$125 fee on taxpayers and businesses seeking to challenge a denied Freedom of Information request.

The very concept of placing financial barriers between citizens and government information is misguided and offensive. A person's ability to seek justice through the state Freedom of Information Commission should not be determined by their capacity to pay. Even though the language states the filing fee does not apply to indigent persons, what process will the claimant need to go through to prove indigence? This waiver does not quell the chilling effect this proposal would have on those reliant on access to essential public information and to data that they may be entitled to.

It could also encourage certain government entities to withhold or significantly delay disclosure of information if they know that a requestor may be unable to readily pay a fee or unable to satisfy the indigent waiver process. This proposal would erode the rights and work accomplished by so many open government advocates over the decades to open the doors of state and municipal government. Inviting our citizens to study, analyze and question the work of those that represent them is a fundamental necessity in a democracy.

We can all agree that individuals should not have unfettered ability to use excessive requests or complaints to interfere with the operation of government. However, there are ways to address those instances – involving only a small number of individuals – without imposing a wholesale impediment to open government. A \$125 fee is not the answer. Instead, let's find common ground on a more thoughtful and sensible solution to that issue.

Maintaining the public's trust in its government is only possible if that government is open, honest and accessible. I strongly urge the committee to reject this proposed bill. Thank you.