

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ian Wright,

Complainant

against

Docket #FIC 2019-0522

Chairman, State of Connecticut,  
Connecticut Marshal Commission; and  
State of Connecticut, Connecticut  
Marshal Commission,

Respondents

August 26, 2020

The above-captioned matter was heard as a contested case on December 9, 2019, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. *See* Docket No. CV 03-0826293, *Anthony Sinchak v. FOIC et al*, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed August 21, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his July 26, 2019 request for copies of certain records.
3. It is found that the complainant made a July 26, 2019 request to the respondents for documents relating to complaints filed against Marshal Hong Douglas, and for a copy of the State Marshal Commission Manual published on or about 2017. The complainant in his request alleged that he was indigent, and requested that the fees for copies be waived.
4. It is found that the respondents did not provide the requested records in response to this request, because they did not believe that he was indigent.

5. Section 1-200(5), G.S., defines “public records” as follows:

Public records or files means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours ... or (3) receive a copy of such records in accordance with section 1-212...

7. Section 1-212(a), G.S., provides in relevant part

Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.... The fee for any copy provided in accordance with the Freedom of Information Act:

- (1) By an executive, administrative or legislative office of the state, a state agency or a department, institution, bureau, board, commission, authority or official of the state, including a committee of, or created by, such an office, agency, department, institution, bureau, board, commission, authority or official, and also including any judicial office, official or body or committee thereof but only in respect to its or their administrative functions, shall not exceed twenty-five cents per page....

8. Additionally, §1-212(d)(1), G.S., provides: "The public agency shall waive any fee provided for in this section when: (1) The person requesting the records is an indigent individual ...."

9. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is found that, for purposes of §1-212(d)(1), G.S., the respondents apply the same indigence standard used by the State of Connecticut Department of Correction (“DOC”) in deciding whether to waive copying fees for an inmate.

11. The Commission takes administrative notice of its records and files in Docket #FIC 2009-483, *Rollins v. Correctional Managed Care et al.*

12. In *Rollins* the Commission noted its approval of the DOC’s standard insofar as it looks at the inmate’s trust account balance as of the date of request and 90 days before the request.

13. It is found, using the DOC standard of indigence insofar as it looks at the inmate’s trust account balance as of the date of the request, and 90 days before the request, that the complainant had more than \$5.00 in his trust account and therefore is not indigent under the DOC standard.

14. The complainant, who as of the date of the hearing had only \$0.45 in his inmate trust account, contends that he should not be held to the respondents’ standard of indigence, but should rather be permitted to defer prepayment for the copies, and instead pay for the copies in installments after he receives the records.

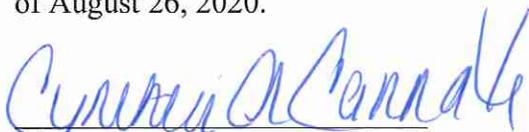
15. It is concluded, however, that the respondents are not required to defer prepayment for copies of public records under the FOI Act fee waiver standards applicable to indigent inmates.

16. It is therefore concluded that the respondents did not violate §1-212(d)(1), G.S., when they required payment for copies after applying the DOC standard.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 26, 2020.



Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**IAN WRIGHT, #286236**, Corrigan/Radgowski Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06382

**CHAIRMAN, STATE OF CONNECTICUT, CONNECTICUT MARSHAL COMMISSION; AND STATE OF CONNECTICUT, CONNECTICUT MARSHAL COMMISSION**, c/o Attorney Michael Barrera, Department of Administrative Services, 450 Columbus Avenue, Suite 1501, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission