

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Sheri Speer,

Complainant

against

Docket #FIC 2019-0245

Director, MIS Department,
City of Norwich;
and MIS Department,
City of Norwich,

Respondents

February 26, 2020

The above-captioned matter was heard as a contested case on February 4, 2020, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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. It is found that, by letter dated April 6, 2019, the complainant requested that the respondents provide her with “a copy of any and all emails received on the norwichct.org email server from attyskaats@snet.net or cc'd or bcc'd to attyskaats@snet.net from email accounts on the same server between March 2014 to the present.”
3. It is found that, by letter dated April 11, 2019, the respondents acknowledged the complainant's request, and informed her that they maintained no responsive records.
4. By letter dated April 22, 2019 and filed April 25, 2019, the complainant appealed to the Commission, alleging that the respondents had violated the FOI Act by failing to provide him with access to the responsive records.
5. Section 1-200(5), G.S., provides:

“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, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, 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 that:

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, (2) copy such records in accordance with subsection (g) of section 1-212, 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 that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is found that, to the extent that they exist, the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. Leon Barnowski, respondents’ LAN¹ Supervisor, appeared and testified at the contested case hearing.

10. It is found that the request in this case was for emails among and between the City of Norwich employees and a particular attorney. It is found, however, that rather than use the city employees’ email address (which is, “@cityofnorwich.org”), the complainant requested emails between the city’s website address (which is, “norwichct.org”) and the particular attorney’s email address.

11. It is found that there are no emails sent or received by the city’s website address, and, accordingly, the respondents had no responsive emails to provide to the complainant.

12. Nevertheless, it is found that the respondents understood the complainant to be requesting emails among and between city employees and a particular attorney, and the respondents gathered such records and provided them to the complainant.

13. The Commission commends the respondents for going above and beyond what was required in this case and providing the complainant with the records it understood she was seeking.

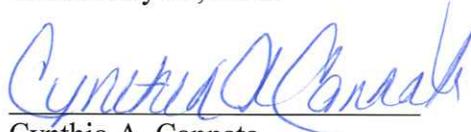
¹ “LAN” is the acronym for Local Area Network.

14. It is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 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:

SHERI SPEER, 151 Talman Street, Norwich, CT 06360

DIRECTOR, MIS DEPARTMENT, CITY OF NORWICH; AND MIS DEPARTMENT, CITY OF NORWICH, c/o Attorney Eileen C. Duggan, Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, 2 Union Plaza, Suite 200, New London, CT 06320



Cynthia A. Cannata
Acting Clerk of the Commission