

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Charles Cornelius,

Complainant

against

Docket #FIC 2019-0509

Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,

Respondents

July 8, 2020

The above-captioned matter was heard as a contested case on October 28, 2019, at which time the complainant and the respondents appeared 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 July 16, 2019, the complainant made a request to the respondents to inspect or obtain copies of public records that “pertain to the forensic examination of [the complainant’s] cell phone, including chain of custody, phone numbers recovered, text and e-mails, and browser history.”
3. It is found that by letter dated July 18, 2019 the respondents acknowledged the complainant’s request.
4. It is found that by letter dated July 22, 2019, the respondents notified the complainant that they did not maintain any records responsive to his July 16, 2019 request. It is further found that the respondents advised the complainant to make an FOI request to the Manchester Police Department because the cell phone was turned over to that public agency.
5. By letter of complaint filed August 16, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with records responsive to the requests described in paragraph 2, above.

6. Section 1-200(5), G.S., defines “public records or files” as “[a]ny 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.

7. 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, (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. (Emphasis added).

8. 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.”

9. It is found 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 on November 3, 2016, the complainant’s parole officer confiscated the complainant’s cell phone and turned it over to the Manchester Police Department for examination.

11. It is found that following receipt of the July 16, 2019 request described in paragraph 2, above, Department of Correction Counselor Supervisory Anthony Campanelli forwarded the request to two FOI Liasons to conduct a search. It is further found that both liaisons and their respective supervisors searched the master file pertaining to the complainant and the respondents’ computer database and did not find any reports responsive to the complainant’s request.

12. However, it is found that Counselor Supervisor Campanelli requested that an additional search for any records that pertained to the confiscation of the complainant’s cell phone be conducted. It is further found that, as a result of the additional search, two notes contained within the electronic database were identified as responsive. It is further found that these records were provided to the complainant on or about October 22, 2019.

13. Based on the credible testimony of the respondents, it is found that the respondents do not maintain any additional records responsive to the complainant’s request.

14. Based on the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by failing to provide records responsive to the complainant’s request

set forth in paragraph 2, above.

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 July 8, 2020.



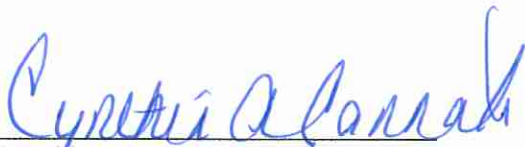
Cynthia A. Cannata
Acting Clerk of the Commission

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:

CHARLES CORNELIUS, 851 Forest Road, New Haven, CT 06515

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION;
AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney
Jennifer Lepore, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission