

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Kevin Blacker,

Complainant

against

Docket #FIC 2019-0443

Executive Director, State of Connecticut,
Connecticut Port Authority; and State of
Connecticut, Connecticut Port Authority,

Respondents

September 23, 2020

The above-captioned matter was heard as a contested case on September 24, 2019, 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. By letter of complaint filed July 25, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his request for certain public records.
3. It is found that the complainant made a request dated July 3, 2019 to the respondents for “all emails and correspondence associated with the first Marketing and Comm. RFP.”
4. It is found that the respondents acknowledged the request on July 8, 2019, emailed the respondents’ Communications Committee members on July 9 asking them to search for any correspondence related to the request, and provided all responsive records on August 6, 2020.
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:

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: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

8. 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.

9. The complainant contends that not all responsive records were provided to him.

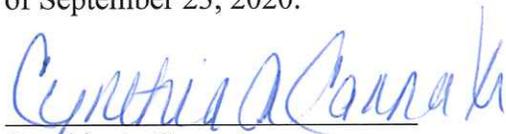
10. It is found, however, that the respondents conducted a diligent search for responsive records and promptly provided all such records to the complainant.

11. It is concluded that the respondents did not violate the FOI Act as alleged.

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 September 23, 2020.



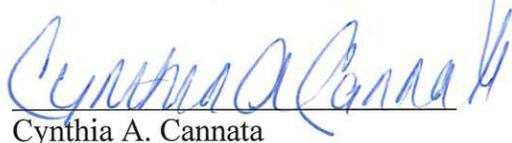
Cynthia A. Cannata
Acting Clerk of the Commission

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:

KEVIN BLACKER, 51 Main Street, Noank, CT 06340

EXECUTIVE DIRECTOR, STATE OF CONNECTICUT, CONNECTICUT PORT AUTHORITY; AND STATE OF CONNECTICUT, CONNECTICUT PORT AUTHORITY, c/o Attorney Keisha S. Palmer, Robinson & Cole LLP, 280 Trumbull Street, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission