

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Luis Salaman,

Complainant

against

Docket #FIC 2019-0668

New Haven Transportation
Traffic and Parking Department,

Respondent

September 9, 2020

The above-captioned matter was heard as a contested case on March 3, 2020, at which time the complainant and the respondent appeared 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, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

At the hearing in this matter, the complainant stated that, in advance of the hearing, he had mailed two documents to the Commission that he wished to introduce into evidence. At the time of the hearing, such documents were not in the Commission's file and a record of receipt by the Commission could not be located. Therefore, the hearing officer presumed such documents had not in fact been received. Subsequent to the hearing, however, Commission staff located the documents in a file pertaining to a different matter with a similar docket number. By Notice dated April 3, 2020, the parties were notified of the foregoing, and provided with copies of the documents. In addition, the parties were informed that the hearing officer intended to mark the documents as full exhibits unless an objection was received by the Commission. By email, dated April 22, 2020, the respondent objected to the proposed exhibits on the grounds that they were duplicative and not relevant. The hearing officer overruled the respondent's objection and marked the documents as one exhibit, as follows: Complainant's Exhibit B (after-filed).

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

1. The respondent is a public agency within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated October 7, 2019, the complainant requested from the respondent a copy of:
 - (a) video footage or photos showing a certain traffic accident;

- (b) records of all written requests for access to or downloads of the video footage;
- (c) all policies pertaining to the retention of video and photographs.

3. By letter dated October 30, 2019 and received November 4, 2019, the complainant appealed to this Commission, alleging the respondent violated the Freedom of Information (“FOI”) Act by denying his request. The complainant requested the imposition of a civil penalty.

4. Section 1-200(5), G.S., provides:

“[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

[e]xcept 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....

6. It is found that the requested records, described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

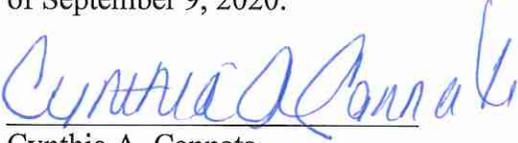
7. It is found that the respondent conducted a thorough search for the requested records, and determined that no records responsive to the request, described in paragraphs 2(a) or 2(b), exist. Although the complainant insisted at the hearing in this matter that he had obtained a court order requiring the respondents to maintain the requested video, and argued that the portion of the court transcript he submitted to this Commission was proof of such court order, it is found that the court transcript is not a court order, and even if it were, the video does not presently exist. It is found that the respondent provided a copy of the policy responsive to the request described in paragraph 2(c), above, by letter dated February 4, 2019. The complainant testified that he did not receive such letter, and counsel for the respondent stated that she would again attempt to provide a copy of the policy to him.

8. It is concluded that the respondent did not violate the FOI Act as alleged in the complaint. Accordingly, the complainant’s request for the imposition of a civil penalty shall not be considered.

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 9, 2020.



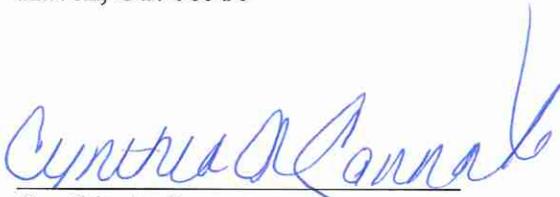
Cynthia A. Cannata
Acting Clerk of the Commission

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:

LUIS SALAMAN, #262626, MacDougall-Walker CI, 1153 East Street South, Suffield, CT 06080

NEW HAVEN TRANSPORTATION TRAFFIC AND PARKING DEPARTMENT, c/o Attorney Catherine E. LaMarr, Office of the Corporation Counsel, 165 Church Street, New Haven, CT. 06510



Cynthia A. Cannata
Acting Clerk of the Commission