

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Nouboukpo Gassesse,

Complainant

against

Docket # FIC 2021-0704

President, State of Connecticut,
University of Connecticut; and State of
Connecticut, University of Connecticut,

Respondents

November 16, 2022

The above-captioned matter was heard as a contested case on June 23, 2022, at which time the complainant and the respondents appeared, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session), as amended by §1 of Public Act 22-3.

On June 24, 2022, the complainant submitted an after-filed exhibit, which has been marked, over the objection of the respondents, as Complainant's Exhibit B: Email Exchange, dated March 13, 2017 (after-filed).

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 email dated December 15, 2021, the complainant made a request to the respondents for copies of a record containing “[a]ll topics of research of all candidates that Prof[essor] Jon Sprouse supervised along with the candidates’ names from 2013-to date with emphasis on the branch of linguistics covered by the research topic.” (“December 15th request”).
3. It is found that, by email dated December 15, 2021, the respondents denied the December 15th request, claiming that records identifying students and their research were exempt from disclosure pursuant to §§1-210(a), 1-210(b)(11) and 1-210(b)(17), G.S.
4. By email received December 15, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the December 15th request.
5. 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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 . . . (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.”

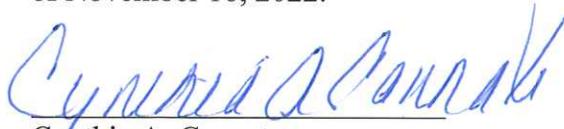
8. Based on the credible testimony provided by the respondents at the hearing, it is found that the respondents do not maintain a record containing all of the information requested by the complainant. It is well established that the FOI Act does not require public agencies to create records in response to a records request.

9. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

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 November 16, 2022.



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:

NOUBOUKPO GASSESSSE, 355 Goodrich Street, Apt.1, Hamden, CT 06517

PRESIDENT, STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT; AND STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT, c/o Attorney Nathan P. LaVallee, Office of the General Counsel, University of Connecticut, 343 Mansfield Road, Unit 1177, Storrs, CT 06238; and Attorney Ralph E. Urban, Office of the General Counsel, University of Connecticut, 343 Mansfield Road, Unit 1177, Storrs, CT 06269-1177



Cynthia A. Cannata
Acting Clerk of the Commission