

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Anthony Torres,

Complainant

against

Docket # FIC 2021-0550

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

Respondents

September 14, 2022

The above-captioned matter was heard as a contested case on March 8, 2022 and May 4, 2022, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. By order of the hearing officer, the hearing was reopened on August 2, 2022 to take additional testimony from the respondents. The complainant did not appear at the August 2, 2022 hearing.¹ 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), and as amended by §1 of Public Act 22-3. At the time of the request and hearings on March 8 and May 4, 2022 in this matter, the complainant was incarcerated in a correctional facility of the respondents.

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 Inmate Request Form dated August 26, 2021, the complainant requested a copy of all records that identify any Department of Correction employee who had access to the complainant's timesheet and printed such timesheet on August 3, 2021. Alternatively, the complainant requested that, if such record identifies the employee by password and/or code number, the respondents provide him with the name of the employee associated with such password or code number.
3. It is found that on September 1, 2021 the respondents acknowledged receipt of the complainant's request but advised that the respondents do not maintain any responsive records.

¹ The complainant notified the Commission of his new mailing address and the notice of reopened hearing was mailed to such address. The complainant did not provide the Commission with an email address or phone number.

4. By letter of complaint filed September 27, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for certain public records. The complainant also requested that the Commission impose a civil penalty against the respondents.

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. It is found that the records described in paragraph 2, above, to the extent such records are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing, the respondents contended that they do not maintain any records responsive to the complainant’s request. The complainant disputed this contention.

10. It is found that the respondents maintain a law enforcement database that contains information about offenders within their custody, including the timesheet referred to in paragraph 2, above. It is found that several Department of Correction staff reviewed the request and conducted a reasonable and diligent search, but did not locate any records responsive to the request.

11. Based on the foregoing, it is found that the respondents do not maintain any records responsive to the request set forth in paragraph 2, above.

12. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212, G.S., as alleged in the complaint. Accordingly, consideration of the imposition of a civil penalty

is not warranted.

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 September 14, 2022.



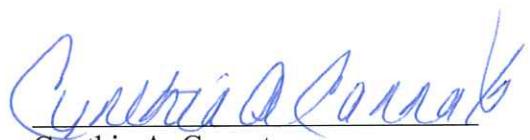
Cynthia A. Cannata
Acting Clerk of the Commission

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:

ANTHONY TORRES, #246027, 984 Norwich-New London Tpke., Room 3, Uncasville, CT. 06382

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



Cynthia A. Cannata
Acting Clerk of the Commission