

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Noah Snyder,

Complainant

against

Docket #FIC 2018-0383

Carlton Giles, Chairperson, State of
Connecticut, Board of Pardons and
Paroles; and State of Connecticut,
Board of Pardons and Paroles

Respondents

April 10, 2019

The above-captioned matter was heard as a contested case on September 14, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The complaint was consolidated for hearing with Docket #FIC 2018-0382, Noah Snyder v. Department of Correction, et al. 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 et al., Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 16, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his July 12, 2018 request for copies of certain public records.
3. It is found that the complainant made an undated request to the respondents, received by them on July 11, 2018, for copies of:
 - a. Any and all documentation regarding, referencing, describing, discussing or in any way pertaining to Noah Snyder inmate number 282683;
 - b. Any email, memorandum and/or correspondence mentioning, referencing, describing, discussing, regarding,

or in any way pertaining to Noah Snyder inmate number 282683, being sure to include any and all such qualifying documents which reference him by name, pseudonym, inmate number, or any other manner identifying specifically and/or by reference;

c. Any and all documents, emails, memoranda and or correspondence which in any reference or in any way pertains to [no name or subject matter identified].

4. It is found that the respondents acknowledged the request on July 11, 2018.

5. It is found that, by letter dated July 12, the respondents replied to the request, saying that the request was “too broad and needs more clarification.” They asked which Board of Pardons and Paroles documents the complainant was requesting, and whose emails he was looking for. They further stated that his third request was incomplete and was therefore not addressed.

6. It is found that, by letter received by the respondents on July 19, 2018, the complainant replied that his third request was for documents pertaining to “Public Act 18-63 and/or Substitute Senate Bill #14 (2018) by name or reference.”

7. It is found that by letter received by the respondents on July 26, 2018, the complainant refused to narrow the scope of his request.

8. It is found that, by letter dated September 4, 2018, the respondents informed the complainant that they had 44 pages of responsive documents and that email searches were still being conducted. The respondents further informed the complainant:

...if you wish to obtain copies of the above responsive documents, please provide payment in the amount of \$11.00 (44 pages @ \$.25 per page =- \$11.00) made payable to “Treasurer, State of Connecticut” in the form of a check or money order. You may also elect to transfer funds from your inmate account (as of today, your account has \$71.14). Upon receipt of payment, we will get the documents sent to you immediately.

9. It is found that the complainant did not tender payment to the respondents.

10. Section 1-200(5), G.S., defines “public records” as follows:

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, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

11. 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 ... or (3) receive a copy of such records in accordance with section 1-212...

12. 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.... The fee for any copy provided in accordance with the Freedom of Information Act:

13. Additionally, §1-212(d)(1), G.S., provides: "The public agency shall waive any fee provided for in this section when: (1) The person requesting the records is an indigent individual"

14. 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.

15. It is found that, for purposes of §1-212(d)(1), the respondents apply the same indigence standard used by the State of Connecticut Department of Correction ("DOC") in deciding whether to waive copying fees for an inmate.

16. It is found that the complainant had \$117.33 in his inmate trust account of July 2, 2018, and \$68.69 in his account on the day before his July 11, 2018 request.

17. The Commission takes administrative notice of its records and files in Docket #FIC 2009-483, *Rollins v. Correctional Managed Care et al.*

18. In *Rollins* the Commission noted its approval of the DOC's standard insofar as it looks at the inmate's trust account balance as of the date of request and 90 days before the request. Also in *Rollins*, the Commission approved the adoption by Correctional Managed Care of that portion of the DOC's indigence standard. *See also* Docket #FIC 2013-734, *Junior Jumpp v. Correctional Managed Care et al.*

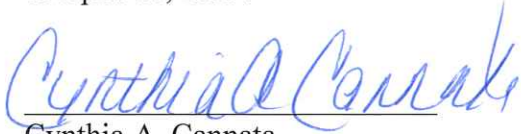
19. It is found, using the DOC standard of indigence insofar as it looks at the inmate's trust account balance as of the date of the request, and 90 days before the request, that the complainant had more than \$5.00 in his trust account at both times and therefore is not indigent under the DOC standard.

20. It is therefore concluded that the respondents did not violate §1-212(d)(1), G.S., when they required payment for copies after applying the DOC standard.

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 April 10, 2019.



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:

NOAH SNYDER, #282683, Willard-Cybulski CI, 391 Shaker Road, Enfield, CT 06032

CARLTON GILES, CHAIRPERSON, STATE OF CONNECTICUT, BOARD OF PARDONS AND PAROLES; AND STATE OF CONNECTICUT, BOARD OF PARDONS AND PAROLES, c/o Assistant Attorney General Steven R. Strom, Office of the Attorney General, 110 Sherman Street, Hartford, CT 06105



Cynthia A. Cannata
Acting Clerk of the Commission