

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Torrey Townsend,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-787

Commissioner, State of Connecticut, Department of
Public Health; and State of Connecticut, Department of
Public Health,

Respondent(s)

September 21, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Thursday, October 13, 2016**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 30, 2016**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 30, 2016**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE September 30, 2016**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Torrey Townsend
Assistant Attorney General Kerry Anne Colson

FIC# 2015-787/Trans/wrbp/LFS/TCB/2016-09-21

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Torrey Townsend,

Complainants

against

Docket #FIC 2015-787

Commissioner, State of Connecticut,
Department of Public Health; and State
of Connecticut, Department of Public
Health,

Respondents

September 21, 2016

The above-captioned matter was heard as a contested case on September 19, 2016, 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. It is found that by letter dated November 2, 2015, the complainant requested “information pertaining to the paramedic [roster] found on the Department of Public Health website. The additional information I would like is the gender of all the active paramedic[s] in the state of Connecticut.”
3. By letter filed November 17, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records she requested.
4. 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, ... 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:

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.

6. 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.

7. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that the respondents maintain an electronic database of all paramedics licensed in the state of Connecticut.

9. It is found that such database does not include a field for gender.

10. It is found that only within the last few years did the respondents begin to request gender information on their paramedic licensing application. It is found that such information is not mandatory, and that not every applicant supplies gender information.

11. It is found that the respondents do not maintain paramedic gender information in any database or in any electronic format.

12. It is found, however, that the respondents do maintain paramedic gender information as part of the paper paramedic licensing application.

13. Although the respondents claim that such paper records are not responsive to the complainant's request, it is found that such records are responsive to the complainant's request.

14. It is found that the respondents failed to provide such records to the complainant; and it is concluded, therefore, that the respondents violated §§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. Forthwith, the respondents shall gather the records responsive to the complainant's request.

2. The respondents may require prepayment of any fee, as provided in §1-212(c), G.S., before providing copies of responsive records to the complainant.

3. As an alternative, the complainant may inspect any responsive records.

4. The respondents may redact the applicant's social security number from any record disclosed to the complainant.

5. Henceforth, the respondents shall strictly comply with §§1-212(a) and 1-210(a), G.S.

A handwritten signature in cursive script, reading "Lisa Fein Siegel". The signature is written in black ink and is positioned above a horizontal line.

Lisa Fein Siegel
as Hearing Officer