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FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission · 18-20 Trinity Street, Suite 100 · Hartford, CT 06106
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Sue Paiva,
Complainant(s)
against

City Attorney, Office of the Corporation Counsel, City of Bridgeport; Director, Human Resources Office, City of Bridgeport; and City of Bridgeport,
Respondent(s)

Notice of Meeting

Docket #FIC 2016-0444

November 18, 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, lst floor, Hartford, Connecticut, at **2 p.m. on Wednesday, January 25, 2017.** 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 January 13, 2017***. 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 January 13, 2017***. **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 January 13, 2017***, 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: Sue Paiva
Attorney Tyisha S. Toms

FIC# 2016-0444/Trans/wrbp/MS/LFS/TAH/2016-11-18/

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Sue Paiva,

Complainant

against

Docket #FIC 2016-0444

City Attorney, Office of the Corporation Counsel, City of Bridgeport; Director, Human Resources Office, City of Bridgeport; and City of Bridgeport,

Respondents

October 19, 2016

The above-captioned matter was heard as a contested case on August 31, 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 May 16, 2016, the complainant requested certain records concerning her employment from the City Clerk.

3. It is found that on May 20, 2016, the City Clerk informed the complainant by letter that the Clerk was not the keeper of the records that the complainant requested and that the Clerk had forwarded the request to the City Attorney's Office, which then supervised the City's response to the complainant's request.

4. By letter filed June 16, 2016, 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. It is found that on August 29, 2016 and on August 30, 2016, the respondents provided most of the requested records to the complainant.

10. At the time of the hearing, there were two components of the complainant's request that remained outstanding: a certain "file maintained by Monquencelo Miles," and records of the investigation of the complainant's "bullying complaint" conducted by Neil Austin. The respondents promised to search for and provide any such records to complainants by the end of September.

11. The complainant also claimed that the respondents failed to search for all emails containing information pertaining to her performance evaluation. The respondents agreed at the hearing in this matter to search for such emails and provide any responsive records to the complainant.

12. The respondents acknowledged the significant delay between the complainant's request and their response, and attributed the delay to lack of staff and high volume of requests for records under the FOI Act and in litigation. The respondents noted that they did not charge the complainant for any of the requested records.

13. It is concluded that the respondents violated §§1-210(a) and 212(a), G.S., by failing to promptly provide the requested records to the complainant.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall forthwith search for the records described in paragraphs 10 and 11 of the findings of fact, and provide any such records to the complainant, free of charge.

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

3. The complaint is dismissed against The Director, Human Resources Department, City of Bridgeport.

Commissioner Matthew Streeter
as Hearing Officer

2016-0444/hor/ms/lfs093016