

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Roger Codding

Complainant(s)

against

Notice of Meeting

Docket #FIC 2025-0069

Tanya Hughes, Executive Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities

Respondent(s)

December 23, 2025

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.

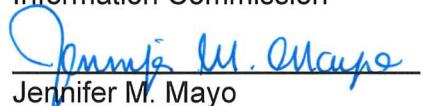
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in person at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, January 14, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. 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 2, 2026.** 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 2, 2026. 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 2, 2026** 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


Jennifer M. Mayo
Acting Clerk of the Commission

Notice to: Roger Codding
Assistant Attorney General Laura D. Thurston

FIC# 2025-0069/ITRA/CZH//NAS/JMM/2025-12-23

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Roger Codding,

Complainant

against

Docket #FIC 2025-0069

Tanya Hughes, Executive Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities,

Respondents

December 15, 2025

The above-captioned matter was heard as a contested case on October 14, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After the contested case hearing on this matter, by order of the undersigned hearing officer, the respondents submitted two after-filed exhibits, which have been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit 14 (after-filed): affidavit of Jonathan Sykes, dated October 28, 2025; and Respondents' Exhibit 15 (after-filed): affidavit of Tanya Hughes, dated October 28, 2025.

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 2, 2024, the complainant requested copies of the following records: “[m]obile phone messages/texts sent and received from CHRO’s mobile phone number 860-463-3592 for the last 4 years (from 12/1/2020 to 12/1/2024).”
3. It is found that, by email dated December 4, 2024, the respondents acknowledged the complainant’s records request. It is also found that, by email dated December 19, 2024, the respondents informed the complainant that responsive records exist but had not yet been reviewed and that the respondents might need to purchase additional software to export responsive text messages, due to the broad scope of the complainant’s request.
4. It is found that, by email dated December 19, 2024, the complainant suggested the respondents divide the request into five subparts to help facilitate production of responsive text

messages. It is also found that, having received no response from the respondents, by email dated December 27, 2024, the complainant re-sent his email, dated December 19, 2024, and indicated that he was losing patience with the respondents' lack of compliance with his request and the lack of communication.

5. It is found that, still having received no response from the respondents, by email dated January 2, 2025, the complainant, again, re-sent his email, dated December 19, 2024, and, again, indicated that he was losing patience with the respondents' lack of compliance with his request and the lack of communication.

6. It is found that, by email dated January 3, 2025, the respondents acknowledged receipt of the complainant's January 2, 2025 email.

7. By complaint, dated February 1, 2025, and filed February 3, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.

8. 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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.

10. Section 1-212(a), G.S., provides, in relevant part: "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

11. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, and relate to the conduct of the public's business, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. It is found that the phone number identified in the complainant's request, described in paragraph 2, above, is the work cell phone number for Tanya Hughes, the respondent Executive Director of the Commission on Human Rights and Opportunities ("CHRO").

13. It is found that, although the complainant's records request was sent directly to Executive Director Hughes, by email dated December 3, 2024, she forwarded the request to the CHRO's FOI Officer, Charles Perry, for him to review the request and coordinate the respondents' efforts with respect to such records request. It is also found that, on December 19, 2024, Mr. Perry asked Executive Director Hughes to send him responsive text messages, so that they could be reviewed for potential exemptions and then sent to the complainant. It is found that, on December 19, 2024, Executive Director Hughes informed Mr. Perry that she had responsive records but was having difficulty retrieving them. It is further found that, on March 12, 2025, the respondents provided the complainant with fourteen responsive text messages.

14. At the hearing on this matter, the complainant alleged that the respondents did not provide all responsive records and those that were provided, described in paragraph 13, above, were not provided promptly.

15. With regard to the complainant's claim that the respondents did not provide all responsive records, it is found that the fourteen responsive text messages provided to the complainant on March 12, 2025, were all from December of 2021, although the complainant had requested all text messages for a total of four years.

16. Executive Director Hughes, testified, and it is found, that at the time of the complainant's records request, Executive Director Hughes' work cell phone and personal cell phone were synchronized. Executive Director Hughes testified that because the two cell phones were synchronized, she had difficulty separating responsive text messages from personal text messages unrelated to the conduct of the public's business. Executive Director Hughes also testified, and it is found, that, in January of 2025, in an effort to make it easier for her to export responsive text messages for review and disclosure, she unsynchronized the two cell phones. Executive Director Hughes further testified, and it is found, that when she unsynchronized the two cell phones, responsive text messages were accidentally deleted from her work cell phone.¹

17. It is found that, four months later, on May 14, 2025, Attorney Jonathan Sykes was asked to assist Executive Director Hughes with attempting to recover the deleted text messages from her work cell phone.² It is found that Attorney Sykes is Chair of the CHRO Information Technology ("IT") Committee and is one of the more technologically proficient employees of

¹ It is found, that Executive Director Hughes did not know why only fourteen text messages from December of 2021 remained on her work cell phone.

² The Commission notes that jurisdiction over the retention and destruction of public records rests with the State's Public Records Administrator. See Dept. of Public Safety v. Freedom of Information Commission, 103 Conn. App. 571, 577 (2007) (the Commission is a creature of statute with limited jurisdiction; it can only administer and enforce the provisions set forth in the FOI Act). The Commission, however, is dismayed by the respondents' decision to wait approximately four months to undertake any efforts to potentially retrieve public records that Executive Director Hughes had inadvertently deleted.

the CHRO. It is found that once Attorney Sykes became involved, he reached out to BITS³ and was advised to take Executive Director Hughes' work cell phone to an Apple store⁴ to enlist the help of Apple employees in recovering the deleted text messages. It is found that, on or around May 15, 2025, Attorney Sykes brought Executive Director Hughes' work cell phone to an Apple store, but the Apple employees were unable to recover any deleted text messages or other data from such cell phone.

18. It is found that, on October 29, 2025, by order of the hearing officer, the respondents submitted two affidavits sworn to by Executive Director Hughes and Attorney Sykes, respectively, attesting to their efforts to recover deleted text messages from the Apple iCloud linked to Executive Director Hughes' work cell phone. It is found that, on October 15, 2025, Executive Director Hughes and Attorney Sykes accessed such Apple iCloud but that no such deleted text messages were located.

19. It is therefore found, based upon the foregoing, that the fourteen text messages provided to the complainant on March 12, 2025, were the only responsive text messages that existed at such time and were still maintained by the respondents. It is also found, however, that at the time of the complainant's request, described in paragraph 2, above, there were likely hundreds of additional responsive text messages that were subsequently deleted by Executive Director Hughes, as described in paragraph 16, above.⁵

20. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to provide all responsive records to the complainant.

21. With regard to the complainant's allegation that the respondents failed to disclose records promptly, this Commission takes guidance from Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982).

22. In Advisory Opinion #51, the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request. As the court recognized in Commissioner of Department of Emergency Services and Public Protection v. Freedom of Information Commission, Superior Court, judicial district of New Britain, Docket No. HHB-CV-18-6047741 (July 20, 2020) *6, a public agency should consider its obligations under the FOI Act as a "primary duty" of that agency, "on par with the [agency's] other significant duties, or said another way, that the agency's FOIA duty is not a second class duty."

³ The Commission notes that BITS is the State Department of Administrative Services' Bureau of Information Technology Solutions, which provides state agencies with Information Technology ("IT") services and assists with other technology issues.

⁴ The Commission notes that an Apple store is the retail store that sells Apple products, such as the iPhone Executive Director Hughes uses as her work cell phone, and provides technical support and repair services for such Apple products.

⁵ The complainant provided credible evidence, obtained from Verizon Wireless billing records, that, for the combined calendar years of 2022 and 2023, a total of 234 text messages were sent and received by Executive Director Hughes' work cell phone.

23. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

24. With respect to the factors listed above, it is found that, although there were hundreds of responsive records at the time of the complainant's records request, only fourteen responsive text messages were located and provided to the complainant. It is also found that, while the complainant did not specify a time by which he needed the records, he followed up on his request several times and attempted to work with the respondents to help facilitate the ease of production, as described in paragraphs 4 and 5, above. It is therefore found that the respondents knew, or should have known, that the records were important to the complainant.

25. It is found that, subsequent to receiving the complainant's records request, Mr. Perry was out of the office for two weeks and, upon his return, on or around December 19, 2024, began processing such records request. It is also found that, when asked what other responsibilities prevented Executive Director Hughes from producing the text messages sooner than March 12, 2025, she testified that she: was busy with Christmas; was out of the country for two weeks in late-January to early-February; had responsibilities dealing with the Connecticut General Assembly during the legislative session; had meetings with legislators, agency heads, and CHRO Commissioners; had to oversee the daily operations of the CHRO as its chief executive officer, including CHRO meetings, reviewing timesheets, budget requests, overtime requests, time-off requests, and requisition forms; and had to review daily audit requests, as CHRO was in the midst of an audit and a whistleblower complaint.

26. It is found that, although the respondents did not specifically testify as to the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the complainant's records request, Executive Director Hughes clearly has many important responsibilities as the head of the CHRO. It is also found, however, that it took the respondents over three months to provide the complainant with a mere fourteen text messages.

27. It is concluded, based upon the facts and circumstances of this case, that the respondents violated the promptness requirements in §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

28. After consideration of the entire record, the Commission, in its discretion, declines to consider the imposition of a civil penalty. The respondents are cautioned, however, that a similar response to future records requests, in terms of the provision of responsive records and lack of promptness, as occurred in this matter, may necessitate such consideration in the event of a subsequent appeal to this Commission.

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

1. The respondents are advised to review their internal procedures for responding to requests for records of the kind at issue in this matter (i.e. text messages) and to put better procedures in place for responding to such requests in the future.
2. Henceforth, the respondents shall strictly comply with the disclosure and promptness requirements of §§1-210(a) and 1-212(a), G.S.

C. Zack Hyde
C. Zack Hyde
as Hearing Officer

FIC2025-0069/HOR/CZH/12152025