

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Charles Cornelius,

Complainant

against

Docket #FIC 2020-0193

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

Respondents

August 11, 2021

The above-captioned matter was heard as a contested case on February 18, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted telephonically.¹

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 received on May 1, 2020,² the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to respond to his March 30, 2020 records request, described in paragraph 3, below.
3. It is found that by letter dated March 30, 2020, the complainant made a request to the respondents for "an opportunity to inspect or obtain copies of my master file #296776." ("March 30th request").

¹ On March 14, 2020, the Governor issued Executive Order 7B, which suspended the requirement to conduct public meetings in person.

² On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, for the duration of the current public health and civil preparedness emergency. Consequently, the Commission retains jurisdiction.

4. It is found that by letter dated July 7, 2020, the respondents acknowledged the records request and informed the complainant that they would proceed to gather the information.

5. It is found that by letter dated July 20, 2020, the respondents informed the complainant that they had gathered a total of 323 pages responsive to his March 30th request, and requested prepayment. It is found that the complainant remitted the requisite payment, and the records were delivered to the complainant on August 11, 2020.

6. 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, printed, photostated, photographed or recorded by any other method.

7. 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 (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....

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

9. At the hearing, the complainant acknowledged that he received records responsive to his March 30th request, but alleged that certain records were still missing (i.e., Forms CN 4501, CN 4502, CN 4503, CN 4504, CN 4505, CN 100703, RC 050; and attachments A & B to victim notification card).

10. The respondents contended that they fully complied with the March 30th request. Counselor Supervisor (“CS”) Anthony Campanelli, the respondents’ FOI Administrator, testified that the respondents searched for the requested master file at their Central Records Unit where master files are located, and provided the complainant with a copy of his entire master file. CS Campanelli also testified that the forms referenced by the complainant at the hearing are not maintained in master files.

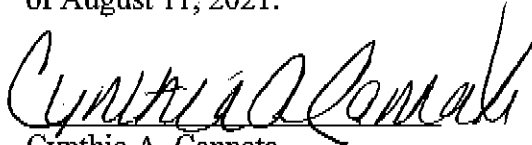
11. It is found that the respondents provided the complainant with the requested master

file. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

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 August 11, 2021.



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:

CHARLES CORNELIUS, 851 Forest Road, New Haven, CT 06515

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Tracie C. Brown, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109 and Attorney Lori McCurdy, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission