

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

David Taylor,

Complainant

against

Docket #FIC 2021-0092

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

Respondents

February 23, 2022

The above-captioned matter was heard as a contested case on November 5, 2021, at which time the complainant and the respondents appeared remotely through the use of electronic equipment, pursuant to §149 of Public Act 21-2 (June Sp. Sess.). At the time of the request and the hearing, the complainant was incarcerated. For hearing purposes, this matter was consolidated with Docket #FIC 2021-0093, David Taylor v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction.

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 February 11, 2021, the complainant requested from the respondents, pursuant to the Freedom of Information (“FOI”) Act, a copy of his own medical records, specifically a certain chest x-ray, and any reports related to such x-ray.
3. By letter dated February 24, 2021, and filed March 1, 2021,¹ the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by denying his request.
4. At the time of the request, §1-200(5), G.S., provided:

¹ 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, through June 30, 2021. Accordingly, the Commission retains jurisdiction over this appeal.

“[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.²

5. 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....

6. 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.”

7. It is found that the records, described in paragraph 2, above, to the extent they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that inmate requests for their own medical records are governed by the department’s Administrative Directive 8.7, entitled “Health Record Management” (“AD 8.7”). The Commission takes administrative notice of AD 8.7, which provides, in part, that inmates’ medical records are confidential and that access to such records is restricted to authorized persons. It is further found that the FOI liaisons in correctional facilities are not authorized to access inmates’ medical records.

9. It is found that, on January 19, 2021, in accordance with AD 8.7, the complainant requested from the department’s medical unit, the same chest x-ray and medical reports that were the subject of his February 11th FOI request, described in paragraph 2, above. It is found that, on January 29, 2021, in response to the January 19th request, the respondent department’s medical unit provided to the complainant a copy of all responsive records maintained by the medical unit. It is found that such records did not include the requested chest x-ray.

10. It is found that on or about April 20, 2021, the respondent department’s FOI Administrator, Counselor Supervisor Campanelli, became aware of the complainant’s FOI request, described in paragraph 2, above, after receiving notice of the complaint from the Commission. Although CS Campanelli is not authorized by AD 8.7 to access or review inmates’

² Public Act 21-2 (June Sp. Sess.) amended the definition of “public records or files” to also include data or information that is “videotaped.”

medical records, he contacted the department's medical unit regarding the FOI request, and determined that the medical unit had received and complied with the complainant's January 19th request. It is found that the medical unit staff searched for, but did not locate, the requested chest x-ray. It is found that CS Campanelli confirmed with the medical unit staff that all responsive records maintained by the medical unit were provided to the complainant.

12. It is found that CS Campanelli attempted to provide to the complainant another copy of the medical records that were provided to him by the department's medical unit on January 29, 2021. It is found, however, that the complainant refused to accept such copy.

13. Based upon the foregoing, it is concluded that the respondents did not violate the FOI Act as alleged by the complainant.

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.
2. The Commission notes that the medical records that were the subject of the complainant's FOI request were marked as exhibits in this case and are now part of the Commission's public files. In the future, the complainant may wish to seek access to his medical records solely in accordance with AD 8.7, in order to maintain the confidential protection afforded to them by AD 8.7.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 23, 2022.



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:

DAVID TAYLOR, #272912, Osborn, CI, PO Box 100, Somers, CT 06071

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



Cynthia A. Cannata
Acting Clerk of the Commission