

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jan Gawlik,

Complainant

against

Docket # FIC 2021-0529

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

Respondents

June 8, 2022

The above-captioned matter was heard as a contested case on February 15, 2022, at which time the complainant and the respondents appeared, 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 through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session). The complainant was incarcerated at a facility of the Department of Correction at the time of the request and at the time of the hearing.

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 August 27, 2021, the complainant requested that the respondents provide him with a copy of all employee records from the Cheshire Correctional Institution, regarding "the reasons for each [employee's] absence and the time of notification" from June 1, 2021 until the date of the request. (Capitalization and emphasis omitted.)<sup>1</sup>
3. It is found that, by letter dated August 30, 2021, the respondents denied the complainant's request, explaining that such disclosure was prohibited pursuant to §18-101f, G.S.

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<sup>1</sup> During the hearing in this matter, the complainant clarified that he was not seeking the names of the employees, only the reasons for their absenteeism.

4. It is found that, by letter of complaint dated September 6, 2021, 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.

5. Section 1-200(5), G.S., provides, as follows:

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

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

[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.

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

8. At the hearing in this matter, Counselor Supervisor (“C.S.”) Anthony Campanelli testified, and it is found, that the requested records are part of the employees’ personnel files. In light of the foregoing, the respondents argued that the records were exempt from disclosure pursuant to §18-101f, G.S.

9. Section 18-101f, G.S., provides, in relevant part that:

*A personnel or medical file or similar file concerning a current or former employee of the . . . Department of Correction . . . , including, but not limited to, a record of a security investigation of such employee by the department . . . or an investigation by the department . . . of a discrimination complaint by or against such employee, shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, to any individual committed to the custody or supervision of the Commissioner of Correction . . . .*

(Emphasis added.)

10. It is concluded that the requested records, described in paragraph 2, above, are exempt from disclosure pursuant to §18-101f, G.S.<sup>2</sup>

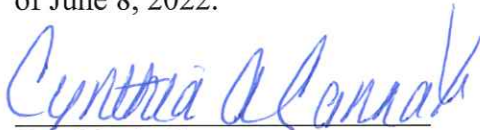
11. Accordingly, it is concluded that the respondents did not violate §1-210(a), G.S., as alleged in the complaint.

12. Because the respondents did not violate the FOI Act, consideration of the complainant's request for the imposition of a civil penalty is not warranted.

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 June 8, 2022.



Cynthia A. Cannata  
Acting Clerk of the Commission

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<sup>2</sup> At the hearing in this matter, the complainant moved that the Commission conduct an in camera inspection of the requested records, to which the respondents objected. Because the Commission credits C.S. Campanelli's testimony that the records are part of the employees' personnel files, it need not conduct such an in camera review and the complainant's motion is denied.

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:

**JAN GAWLIK, #138888**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**ANGEL QUIROS, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata  
Acting Clerk of the Commission