

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket # FIC 2021-0694

Commissioner, State of Connecticut,  
Department of Public Health; and State of  
Connecticut, Department of Public Health,

Respondents

October 26, 2022

The above-captioned matter was heard as a contested case on August 19, 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), as amended by §1 of Public Act 22-3. At the time of the request and the hearing, the complainant was incarcerated at a facility of the Connecticut Department of Correction ("DOC").

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 November 19, 2021, the complainant requested from the respondents a copy of the "complete file [for Jean Caplan], including her educational background, chronology of licensing to practice as an APRN; complaints (formal and informal) and disciplinary action and its outcome."
3. It is found that, by letter dated November 24, 2021, the respondents acknowledged receipt of the complainant's request.
4. It is found that, on December 10, 2021, in accordance with §1-210(c), G.S.,<sup>1</sup> the respondents sent two pages of responsive records to the DOC's Freedom of Information ("FOI")

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<sup>1</sup>The process for providing records to an inmate is governed by §1-210(c), G.S., and the policy implementing that statute (policy available on the Commission's website). Section 1-210(c), G.S., provides, in relevant part, that "[w]henver a public agency receives a request from any person confined in a correctional institution . . . for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction or the Commissioner . . . of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b)

Administrator for review. It is further found that the respondents inquired of the FOI Administrator whether they should provide the records to the complainant after such review, to which the FOI Administrator responded that he would do so.

5. By letter of complaint filed December 13, 2021, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act by denying his request for records, described in paragraph 2, above.

6. Section 1-200(5), G.S., provides that:

“[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.

7. 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.

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

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

10. At the hearing, the respondents testified, and it is found, that the only section of their department that maintained any records responsive to the complainant’s request was the

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of this section, the commissioner may withhold such record from such person when the record is delivered to the person’s correctional institution . . . .”

Pursuant to the policy implementing §1-210(c), G.S., records requested by an inmate should be delivered to the Department of Correction’s FOI Administrator for review to determine whether such records or portions thereof are exempt from disclosure pursuant to §1-210(b)(18), G.S. Records, or portions thereof, deemed to be exempt from disclosure may be withheld by the Administrator. Records deemed to be non-exempt should be delivered promptly to the inmate. If the Administrator withholds any records, the Administrator must promptly notify the inmate in writing and provide the reason for such withholding. An inmate who believes that any records have been improperly withheld by the Administrator may appeal to the Commission.

practitioner licensing and investigations section. It is found that such section searched for responsive records and located two pages, as described in paragraph 4, above.

11. It is found that the respondents conducted a thorough and diligent search for the requested records and that they sent all responsive records that they maintain to the DOC's FOI Administrator, in accordance with §1-210(c), G.S.

1. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 26, 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:

**JOHN KAMINSKI, #241124**, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH; AND STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH**, c/o Assistant Attorney General Susan Castonguay, State of Connecticut, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Cynthia A. Cannata  
Acting Clerk of the Commission