

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket #FIC 2021-0567

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

Respondents

September 14, 2022

The above-captioned matter was heard as a contested case on June 16, 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 hearing in this matter, the complainant was incarcerated.

Subsequent to the hearing in this matter, pursuant to an order of the hearing officer, the respondents submitted an after-filed exhibit, without objection, which has been marked as Respondents' Exhibit 2 (after-filed): Affidavit of Counselor Supervisor Campanelli, dated July 21, 2022.

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, and addressed to the respondents' Freedom of Information ("FOI") Administrator, the complainant requested from the respondents copies of the following records:
  - a. The Connecticut statute that addresses conformity with federal HIPPA medical record privacy;
  - b. A list of all medical staff who have "legitimate unfettered access" to the complainant's medical records;

- c. Colleen Gallagher's actual job description, not the Department of Administrative Services' job code for Regional Chief Operating Officer ("RCOO"); and
- d. The "log maintained for medical record release for 2020 - 2021," including the log of all requests for, and disclosures of, the complainant's medical records.

3. It is found that the respondents did not receive the August 27<sup>th</sup> request, described in paragraph 2, above, from the complainant.

4. By letter of complaint, dated September 25, 2021, and filed September 29, 2021, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide him with the records, described in paragraph 2, above.

5. It is found that, by letters dated December 7, 2021, the Commission informed the respondents of the complaint in this matter, and included copies of the complaint and the August 27<sup>th</sup> request, which the respondents received for the first time.

6. Section 1-206(b)(1), G.S., provides in relevant part: "[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission...."

7. It is found that at the time of the complaint, the respondents had not received the August 27<sup>th</sup> request and therefore had not denied the complainant's request for records, or denied any other right under the FOI Act within the meaning of §1-206(b)(1), G.S. It is concluded therefore, under the facts of this case, that the complainant had no right to appeal under §1-206(b)(1), G.S., and that the respondents did not violate the FOI Act.

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 September 14, 2022.



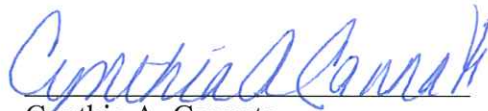
Cynthia A. Cannata  
Acting Clerk of the Commission

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 CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney L. McCurdy, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109 and Attorney Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata  
Acting Clerk of the Commission