

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Albert Farah,

Complainant

against

Docket # FIC 2022-0052

Angel Quiros, 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 July 12, 2022, 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 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 in a correctional facility of the State 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 January 24, 2022, the complainant requested that the respondents provide him with a copy of "all forms" used during the course of an investigation into a grievance the complainant claimed he submitted to the respondents on October 30, 2021.
3. By letter of complaint filed January 31, 2022 the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records. The complainant also requested the imposition of a civil penalty against the respondents.

4. 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 section 1-218, whether such

data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

5. 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.

6. 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.”

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

8. At the hearing, the respondents contended that they do not maintain records responsive to the complainant’s request. The complainant disputed this contention.

9. It is found that, following receipt of the January 24, 2022 request, the Department of Correction grievance coordinator responsible for maintaining all grievances filed by an inmate within the facility conducted a search for, but did not locate, responsive records. However, it is found that the staff located and provided to the complainant copies of records related to a similar grievance he filed, which was dated November 18, 2021.

10. It is further found that, following receipt of the complaint in this matter, FOI Administrator Counselor Supervisor Anthony Campanelli contacted the facility FOI liaisons and grievance coordinator to inquire about whether records responsive to the January 24, 2022 request were maintained and had been located. It is found that CS Campanelli also concluded that the respondents did not maintain any records responsive to the complainant’s request.

11. Based on the foregoing, it is found that a reasonable and diligent search was conducted and that the respondents do not maintain any records responsive to the complainant’s request.

12. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

13. Because the respondents did not violate the FOI Act, consideration of 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 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:

ALBERT FARAH, #228922, Cheshire CI, 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 Tracie C. Brown, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission