

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Richard Quint,

Complainant

against

Docket # FIC 2022-0233

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

Respondents

May 10, 2023

The above-captioned matter was heard as a contested case on April 18, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 Inmate Request Form dated May 19, 2022, the complainant requested that the respondents' medical records unit allow him to "review" his medical file, from February 1, 2021, through the date of his request.
3. It is found that on May 20, 2022, the respondents acknowledged the complainant's request.
4. By letter of complaint filed May 27, 2022, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by

denying his request to inspect the records identified in paragraph 2, above.¹ The complainant also requested that the Commission impose a civil penalty against the respondents.

5. 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.

6. 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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. 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.”

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

9. At the hearing, the complainant acknowledged that he was allowed access to his medical records. However, the complainant contended that the respondents denied him access to a document that he believed should have been attached to his medical chart, dated on or about September 17, 2021, regarding an increase to certain medication.

10. It is found that the request set forth in paragraphs 2, above, is a request to inspect the complainant’s medical records. The Commission and the Superior Court have interpreted §1-210(a), G.S., to mean that a person may inspect public records at the location where the agency maintains its records, during the agency’s normal business hours. Therefore, an individual’s inability to exercise his right to inspect does not create a duty on the part of the public agency to bring records to the requester. See Ian Cooke v. Freedom of Information Commission, HHB-CV-

¹ The Commission notes that following its receipt of the complaint at issue herein, the complainant filed additional correspondence alleging that the respondents’ Kitchen Supervisor violated the FOI Act for failing to comply with requests other than the request set forth in paragraph 2, above. However, the complainant subsequently withdrew such allegations in this matter.

19-5026783 (Conn. Super. Ct. Feb. 23, 2022) (“the public’s inspection right is a right to inspect records at the agency’s regular office or place of business” and that a requester’s right to inspect is dependent upon the requester’s ability to access a public agency’s regular office or place of business.”); Noah Snyder v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction, et al., Docket #FIC 2019-0231 (Sept. 11, 2019) (citing Gaines, the Commission concluded that in order to exercise the right to inspect records pursuant to Conn. Gen. Stat. §1-210(a), a requester must have the ability to appear in person at the regular office or place of business of the public agency during regular business hours); and Norman Gaines v. Records Liaison, State of Connecticut, University of Connecticut Health Center, Correctional Managed Care, et al., Docket #FIC 2017-0369 (March 28, 2018) (“Implicit in the right to inspect records during regular office or business hours is the requirement that an individual appear during regular office or business hours at the office of the public agency at which the records are maintained.... An individual’s inability to exercise his right [to inspect] whether it be because he is confined to a prison facility...to a sick bed at home, or because he is unable to be excused from his job during the day, does not create a duty on the part of the public agency to bring the records to that individual so that he can...inspect them.”).

11. With respect to this case, it is found that the FOI Act imposed no duty on the respondents to bring the complainant’s medical records to him for inspection. Nevertheless, it is found that on or about October 4, 2022, the respondents permitted the complainant to inspect his medical records pursuant to a Department of Correction policy which allows authorized individuals (including the subject of the medical records) access to such records for review.

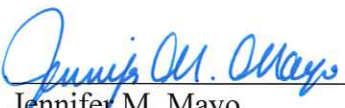
12. It is further found that, after providing the complainant with access to his medical records and learning of the complainant’s concern about the missing record identified in paragraph 9, above, the respondents conducted additional searches for such record. However, it is found that after a reasonable and diligent search, the respondents were unable to locate any record matching such description. It is therefore found that the respondents do not maintain such record.

13. In light of the foregoing, it is concluded that the respondents did not violate §§ 1-210(a) and 1-212(a), G.S., as alleged in the complaint. Because the respondents have not violated the FOI Act, as alleged, 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 May 10, 2023.



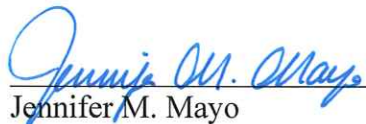
Jennifer M. Mayo
Acting Clerk of the Commission

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:

RICHARD QUINT, #123433, Corrigan/Radgowski Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06382

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



Jennifer M. Mayo
Acting Clerk of the Commission