

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Richard Quint,

Complainant

against

Docket # FIC 2023-0610

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

Respondents

November 20, 2024

The above-captioned matter was heard as a contested case on August 16, 2024, 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 Anthony Sinchak v. Freedom of Information Commission*, Docket No. CV 03-0826293, 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 October 21, 2023 addressed to “Medical Records Specialist/Clerk” at the Bridgeport Correctional Center (“BCC”), the complainant requested that the respondents provide him with copies of the following records:

[a.] All E-mails pertaining to my care at BCC.

[b.] All Doctors entries, notes, etc. pertaining to my care at BCC.

[c.] All nurses entries into my file, with the exception of medications given daily, as I do not want any entries of what medications were dispensed to me.

[d.] The copy of my discharge documents from St. Vincents ER on 10/18/23. As St. Vincents provided COs with copy of discharge paperwork for me. Any and all other information St. Vincents provided to BCC.

3. It is found that, by an October 25, 2023 hand written response on the Inmate Request Form described in paragraph 2, above, the respondents informed the complainant that the medical records specialist position responsible for processing his request was vacant at that time and that other employees were trying to assist as best as possible.

4. It is found that, by Inmate Request Form dated October 27, 2023 addressed to “Medical Records Specialist/Clerk” at BCC, the complainant again requested that the respondents provide him with copies of the same records described in paragraph 2, above, as follows:

[a.] All E-mails pertaining to my care at BCC.

[b.] All Doctors entries, notes, etc. pertaining to my care at BCC.

[c.] All nurses entries into my file with the exception of medications dispensed to me on a daily basis, as I do not want any entries of what medications were dispensed to me.

[d.] The copy of my discharge documents from St. Vincents ER on 10/18/23, as St. Vincents provided COs with copy of discharge paperwork for me. Any and all other information St. Vincents provided to BCC.

5. It is found that, on November 22, 2023, the respondents provided the complainant with 236 pages of medical records responsive to his requests described in paragraphs 4.b., 4.c., and 4.d., above.

6. It is found that, by Inmate Request Form dated November 24, 2023 addressed to “Medical Records Clerk” at BCC, the complainant informed the respondents of the following:

You are not in compliance with FOI request of 10/21/23¹ as you have not provided any E-mail copies of communications on my care. Or who changed my wheelchair order on 10/12 or 10/13/23. Please provide E-mails and notes[/]orders to change the wheelchair order I had on 10/12 or 10/13/23 so you will be in compliance of FOI request.

7. It is found that, by Inmate Request Form dated November 25, 2023 addressed to “Medical Records Clerk” at BCC, the complainant informed the respondents of the following: “My FOI request to you was for all E-mails pertaining to my care, and all doctors entries in my chart which you left out and did not provide to me as requested. ...”

8. By letter of complaint, dated November 24, 2023 and filed November 29, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of

¹ Such request is described in paragraph 2, above, of which the October 27, 2023 request, described in paragraph 4, above, is a duplicate.

Information (“FOI”) Act by failing to provide him with access to the requested records, described in paragraph 4, above.

9. 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.

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

[Except] 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 the provisions of section 1-212.

11. 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.”

12. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

13. It is found that, by a December 6, 2023 hand written response on the Inmate Request Form described in paragraph 6, above, the respondents informed the complainant that his request was being reviewed and also stated the following: “[p]lease be advised that you must submit your request to the FOI Coordinator at BCC. Please mention the timeframes and keywords in your request.”

14. It is found that, on December 13, 2023, the respondents provided the complainant with an additional 56 pages of records.

15. With respect to the requests described in paragraphs 4.b., 4.c., and 4.d., above, the FOI Administrator for the DOC (the “FOI Administrator”) testified, and it is found, that the respondents processed such requests as medical records requests, not requests made pursuant to the FOI Act, but nonetheless provided the complainant with all responsive records.

16. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with regard to the requests described in paragraphs 4.b., 4.c., and 4.d., above.

17. With respect to the request described in paragraph 4.a., above, the complainant alleged that he had not received any emails related to the medical care he received while he was housed at BCC and argued that his request was clear on its face. He contended that he clearly was seeking all emails between the staff at BCC and the DOC doctors who are stationed at the DOC headquarters in Wethersfield, CT, relating to the medical care he received while he was housed at BCC.

18. At the hearing on this matter, the respondents contended that they were unable to fulfill the complainant's request described in paragraph 4.a., above, without further clarifying information from the complainant.² The FOI Administrator claimed that, in order to conduct an electronic search for emails, the DOC Information Technology Department ("IT") requires a timeframe for the requested records, as well as keywords and names of the individuals involved or their email addresses and that since the complainant failed to provide them with such information, the search could not be completed. The respondents also argued that they were not obligated to search for responsive records because doing so would constitute research, which is not required under the FOI Act.

19. Public agencies such as the respondents are not required to conduct research in order to respond to a FOI request. See *Wildin v. Freedom of Info. Comm'n*, 56 Conn. App. 683, 686-87 (2000) ("*Wildin*"). In *Wildin*, the Appellate Court concluded that a records request involves research if the respondents must exercise discretion to determine whether the records sought fall within the request. *Id.* at 687. Merely having to look in many places in order to gather responsive records, or review a voluminous set of records to determine if they are subject to disclosure, does not constitute research. In *Wildin*, the complainant requested "all correspondence ... to or from the Mayor ... and to or from the Town Attorney...from January 1, 1996 to the present." *Id.* at 684-85. The Commission found that such records were located in at least fifty, and perhaps in over one hundred files, organized by subject matter, and concluded therefore that the respondents would need to conduct "research" in order to locate all such responsive records. *Id.* at 685. The trial court agreed, but the Appellate Court reversed, noting that the complainant had "specifically identified the records he sought, and there was no analysis required to search for the records." *Id.* at 686. According to the Court, "a record request that is simply burdensome does not make that request one requiring research." *Id.* at 687.

20. It is found that the complainant's BCC medical records did not include any emails. Rather, requests for emails are completed by IT and only certain DOC employees are permitted to request IT to search for and provide emails. It is found that the FOI Administrator is one of the limited number of employees who has the authority to request IT to perform email extractions.

² At the hearing on this matter, the respondents contended that the complainant did not follow the DOC's recommended procedures when he submitted his FOI requests. Such contention is immaterial to the Commission's decision in this matter, based upon the facts and circumstances in this case, and therefore will not be addressed herein. However, the Commission notes that, generally, FOI requests submitted to the DOC should be processed regardless of whether such requests technically follow the DOC's internal processes and procedures.

21. It is found that, under the circumstances, IT and the FOI Administrator would be required to analyze the contents of various emails and exercise discretion in deciding whether such records pertained “to [the complainant’s] care at BCC.” It is further found that, prior to the date of the hearing on this matter, the complainant had not provided the respondents with any clarifying information, as they had requested.³

22. Contrary to the complainant’s contention, it is found that, based upon the face of his request, it was not at all clear that he was seeking all emails between the staff at BCC and the doctors at the DOC headquarters in Wethersfield, CT; nor can such an inference be readily made.

23. It is found that, unlike in *Wildin*, the request described in paragraph 4.a., above, is not sufficiently precise to identify the records sought. It is found that, although certain records *might* clearly relate to the complainant’s medical care while he was housed at BCC, it might not be obvious in all instances.

24. Additionally, it is found that, although the complainant’s request was addressed to the Medical Records Specialist/Clerk, his request was not necessarily limited solely to his *medical* care. Rather, it is found that “care” could be interpreted more broadly to include generally BCC staff’s treatment of, or conduct toward, the complainant while he was incarcerated at BCC, unrelated to his medical treatment. It is found that analyzing whether emails related to his “care” would require a subjective determination.

25. It is therefore found that searching for records responsive to the request described in paragraph 4.a., above, would require “research” as that term is defined in *Wildin*.

26. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by failing to disclose records responsive to the request described in paragraph 4.a., above.

27. To the extent that the complainant has alleged that the respondents were not prompt in providing records responsive to the requests described in paragraphs 4.b., 4.c., and 4.d., above, in Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982), the Commission advised that the word “promptly,” as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request.

28. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person

³ To the extent that the respondents also claimed that in order to respond to the request they would have to take additional burdensome steps, the Commission cautions that merely having to take additional steps to identify responsive records does not necessarily constitute research, if undertaking such efforts would not require the respondents to exercise discretion or perform analysis. See *McKinney v. Chief, Police Department, City of New Haven, et al.*, #FIC 2017-0524 (July 25, 2018) (process of reviewing thousands of complaints and 911 calls to identify cases involving specific fact pattern did not require research); *Brennan v. Chief, Police Department, Town of West Hartford, et al.*, #FIC 2012-0405 (April 24, 2013) (process of updating database by contacting court for case disposition information to determine whether records were exempt from disclosure was not research).

requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

29. It is found that the respondents provided the complainant with 236 pages of responsive records on November 22, 2023, which is approximately one month from the date of the request and provided the complainant with 56 pages of additional records, two and half weeks later, on December 13, 2023.

30. At the hearing on this matter, the FOI Administrator testified, and it is found, that the medical records specialist position, which is responsible for maintaining and disclosing the subject medical records, was vacant at the time of the complainant's requests, which contributed to the delay, as referenced in paragraph 3, above.

31. It is found that the complainant did not indicate a time by which he needed the requested records, nor the importance of the records to him.

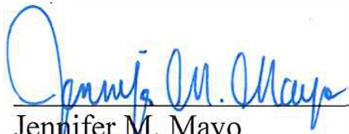
32. It is found that, under the circumstances of this case, the respondents provided the responsive records to the complainant without undue delay.

33. Accordingly, it is concluded that the respondents did not violate the promptness provisions of §1-212(a), G.S., as alleged by the complainant.

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 November 20, 2024.

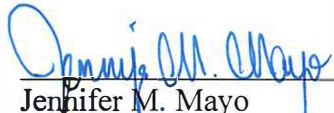

Jennifer M. Mayo
Acting Clerk of the Commission

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, 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 Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109


Jennifer M. Mayo
Acting Clerk of the Commission