

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

PML Management Services,

Complainant

against

Docket #FIC 2023-0210

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

Respondents

April 10, 2024

The above-captioned matter was heard as a contested case on November 29, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 email dated April 5, 2023, the complainant requested that the respondents provide him with a copy of the following:

...all tenant reports for PML Management Services from 2008 through today, while housing and servicing CTDOH clients.
3. By email dated April 29, 2023 and filed May 1, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with a copy of the requested records.
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 concluded that the records requested by the complainant are public records within the meaning of §§1-210(a) and 1-212(a), G.S.

8. It is found that, on April 5, 2023, the complainant received records responsive to his request. The complainant contended, however, that the respondents had failed to provide him with all responsive records.<sup>1</sup>

9. It is found that the respondents do not maintain any reports entitled “tenant reports.” Accordingly, it is found that the respondents sought clarification from the complainant as to the types of reports he was requesting. It is found that the complainant clarified that he was seeking copies of inspection reports in which an inspector found a violation and determined that such violation was caused by the actions of a tenant (as opposed to the actions of a landlord).

10. It is found that, upon receipt of the clarification, the respondents realized that, in order to obtain the requested reports, they would have to reach out to the contractor who manages the Section 8<sup>2</sup> and housing assistance programs on behalf of the respondent department. It is found that the respondents communicated with the contractor and the contractor indicated

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<sup>1</sup> The Commission notes that the complainant has requested records from the respondent department on multiple occasions. It is found that many of the complainant’s requests are contained within voluminous communications that primarily relate to the complainant’s business dealings with the respondent department and not to FOI matters. As such, it is found that the respondents are often required to cull through the complainant’s correspondences in order to determine whether they contain one or more FOI requests. It is found that, in December 2022, the complainant issued five such requests to the respondents. It is found that, in one such request, the complainant requested copies of the same reports described in paragraph 2, above. It is found that, after receiving some responsive records from the respondents for the five December 2022 requests, the complainant made the request set forth in paragraph 2, above.

<sup>2</sup> Section 8 of the Housing Act of 1937, often called “Section 8,” authorizes the payment of rental housing assistance to private landlords on behalf of low-income households in the United States. See 42 U.S.C. §1437f.

that she would forward the records to the respondents.

11. It is found that, when the contractor failed to forward the records to the respondents, the respondents again contacted the contractor and requested the records.

12. It is found that the contractor ultimately uploaded some of the responsive records to a shared drive that the respondents were able to access.

13. It is found that, upon reviewing the uploaded records received from the contractor, the respondents realized that the contractor had failed to upload all of the records that the complainant requested, particularly with regard to reports concerning tenant violations. It found that counsel for the respondents then met with the contractor in a Teams meeting in order to learn how to navigate and search the contractor's portal in order to access the requested reports. It is found that counsel learned how to use the portal, and then searched for and downloaded 163 inspection reports. Thereafter, it is found that the respondents reviewed all of the reports to determine which reports were responsive to the complainant's request. It is found that the respondents ultimately determined that eleven reports were responsive to the request set forth in paragraph 2, above.

14. The respondents contended that, before they could disclose the responsive reports to the complainant, they were required pursuant to §8-345d, G.S., to make certain redactions. The complainant challenged all redactions made by the respondents.

15. Section 8-345d, G.S., provides, in relevant part:

....no person shall solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or any information concerning, individuals applying for or receiving assistance from the Department of Housing or individuals participating in a program administered by said department....

16. Based upon the testimony of the respondents' witness, it is found that the respondents only redacted tenants' names, social security, and telephone numbers from the responsive reports.

17. It is found that tenants' names, social security, and telephone numbers constitute a "list of names of, or any information concerning, individuals applying for or receiving assistance from the department of Housing or individuals participating in a program administered by said department," within the meaning of §8-345d, G.S., and that such information was properly redacted from the responsive reports.

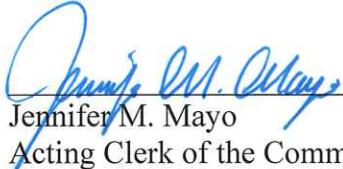
18. Finally, it is found that, by June 9, 2023, the respondents had provided the complainant with all reports responsive to the request set forth in paragraph 2, above.

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

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 April 10, 2024.

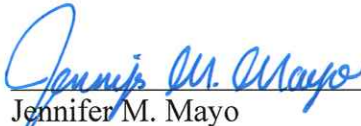
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**PML MANAGEMENT SERVICES**, PO Box 3102, Stamford, CT 06905

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF HOUSING;  
AND STATE OF CONNECTICUT, DEPARTMENT OF HOUSING**, c/o Attorney Randi Pincus, Department of Housing, 505 Hudson Street, Hartford, CT. 06106 and Deputy Associate Attorney General Rosemarie T. Weber, AG-Infrastructure Department, 165 Capitol Avenue, 5th Floor, Hartford, CT 06106

  
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Jennifer M. Mayo  
Acting Clerk of the Commission