

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Terry Stringer,

Complainant

against

Docket # FIC 2023-0202

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

Respondents

February 14, 2024

The above-captioned matter was heard as a contested case on September 15, 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 December 20, 2022, the complainant requested that the respondents provide him with copies of “all files pertaining to file #7048262.”
3. It is found that by email dated December 21, 2022, the respondents acknowledged the complainant’s request.
4. It is found that by email dated March 8, 2023, the complainant requested an update on the status of his request.
5. By email filed April 26, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request described in paragraph 2, above
6. 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.

7. 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.

8. 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.”

9. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 . . . or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial. . . . For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken.

10. Section 1-206(a), G.S., provides in relevant part:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

11. It is found that four business days from the date of the complainant’s March 8, 2023 email following up on the status of his request, described in paragraph 4, above, was March 14, 2023. Accordingly, it is found that the date of the alleged “denial” of the complainant’s request, for purposes of §§1-206(a) and 1-206(b)(1), G.S., was March 14, 2023.


12. It is found that the complainant sent the email containing his complaint on April 25, 2023, which is 42 days after the alleged denial of the complainant's request.

13. Based on the foregoing, it is found that the complainant did not file his appeal within 30 days of the alleged denial of his request. It is therefore concluded that the Commission lacks jurisdiction over this matter.¹

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 February 14, 2024.



Jennifer M. Mayo
Acting Clerk of the Commission

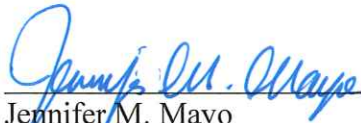
¹ Notwithstanding this conclusion, the Commission notes that the respondents testified that they conducted a diligent search for records responsive to the complainant's request, that they provided the complainant with copies of all such records, and that they did not withhold any responsive records in reliance on any statutory exemptions.

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:

TERRY STRINGER, 140 Deer Run Trail, Manchester, CT 06042

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF INSURANCE;
AND STATE OF CONNECTICUT, DEPARTMENT OF INSURANCE**, c/o Attorney
Antonio Caporale, State Department of Insurance, PO Box 816, Hartford, CT 06142



Jennifer M. Mayo
Acting Clerk of the Commission