

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Earl Bradley,

FINAL DECISION

Complainant

Docket# FIC 2023-0100

against

Commissioner, State of Connecticut,
Department of Social Services; and State of
Connecticut, Department of Social Services,

Respondents

January 10, 2024

The above-captioned matter was heard as a contested case on November 14, 2023, at which time the complainant and the respondents appeared, 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 letter dated February 6, 2023, the complainant requested that the respondents provide him with a copy of his "file-including correspondence to and from the Department, interdepartment memos or emails, and any communications to or from any external entities or Departments."
3. It is found that, by letter dated February 16, 2023, the respondents acknowledged receipt of the complainant's request.
4. By letter of complaint filed March 9, 2023, 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.
5. Section 1-200(5), G.S., provides that:

"[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, 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.

7. 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."

8. It is found that, on March 21, 2023, the respondents provided the complainant with approximately four pages of records.

9. At the hearing, the complainant contended that the records that he received, as referenced in paragraph 8, above, were not responsive to his request. The complainant further clarified that the "file" that he requested related to complaints that he made to the respondents regarding elder abuse and neglect that he had experienced. In response, the respondents argued that the requested records were not public records, pursuant to § 17b-452, G.S.

10. Section 17b-451(c), G.S., provides that, "[a]ny other person having reasonable cause to suspect or believe that an elderly person is being, or has been, abused, neglected, exploited or abandoned, or who is in need of protective services, may report such information in any reasonable manner to the commissioner [of Social Services] or the commissioner's designee."

11. Section 17b-452(a), G.S., provides that, "[t]he commissioner, upon receiving a report that an elderly person allegedly is being, or has been, abused, neglected, exploited or abandoned, or is in need of protective services, shall investigate the report to determine the condition of the elderly person and what action and services, if any, are required."

12. Section 17-452(c), G.S., further provides, in relevant part, that "[t]he elderly person's file, including, but not limited to, the original report and investigation report shall not be deemed a public record nor be subject to the provisions of section 1-210."

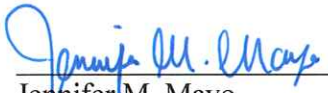
13. It is found that the requested records are part of an "elderly person's file," as described in § 17-452(c), G.S.

14. It is therefore concluded that the requested records are not public records within the meaning of §§1-200(5) and 1-210(a), G.S., and that the respondents did not violate the FOI Act by failing to comply with the complainant's request.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 hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 10, 2024.



Jennifer M. Mayo
Acting Clerk of the Commission

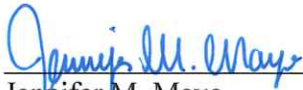
¹ At the hearing, counsel for the respondents indicated that there is an alternative statutory mechanism for the complainant to obtain the requested records and provided the complainant with her contact information so that she could assist him in doing so.

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:

EARL BRADLEY, #415266, Cheshire Correctional Institution, 900 Highland Ave, Cheshire, CT 06410

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF SOCIAL SERVICES; AND STATE OF CONNECTICUT, DEPARTMENT OF SOCIAL SERVICES, c/o Attorney Rebecca Rigdon, Department of Social Services, 55 Farmington Avenue, 11th Floor, Hartford, CT 06105



Jennifer M. Mayo
Acting Clerk of the Commission