

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Dan Reale,

Complainant

against

Docket #FIC 2023-0541

First Selectman, Town of Plainfield;  
and Town of Plainfield,

Respondents

September 25, 2024

The above-captioned matter was heard as a contested case on May 13, 2024, 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 October 17, 2023, the complainant requested that the respondents provide him with a copy of the following records:

...all video camera footage of [the] Town Hall, in the custody, control or possession of the First Selectman or any Town Hall employee [created during the day] of June 5, 2023.
3. It is found that, by email dated October 18, 2023, the respondents acknowledged the complainant's request, and informed the complainant that:

...the camera footage we use holds 14 days of video backup, meaning the requested time of recordings in not accessible.  
To that point, we cannot give data that we do not have.
4. It is found that, by email dated October 18, 2023, the complainant corresponded with the respondents, insisting that the respondents do maintain a copy of the requested video footage.
5. By email dated and filed October 26, 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 video footage or by unlawfully destroying such records.

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

10. At the hearing, the complainant contended that the respondents should have the video footage referenced in paragraph 2, above, because the recording he was seeking was used in connection with a criminal prosecution concerning an alleged incident of vandalism on the grounds of the Plainfield Town Hall.

11. The First Selectman appeared and testified at the contested case hearing.

12. It is found that, on June 5, 2023, certain property on the grounds of the Plainfield Town Hall was vandalized. It is further found that the First Selectman determined that the act of vandalism was recorded by one particular video camera at the Town Hall.<sup>1</sup> It is further found that, on June 5, 2023, the First Selectman burned a copy of the video footage depicting the vandalism onto a thumb drive and provided such copy to the town’s police department for further investigation and prosecution, if appropriate. It is further found that the First Selectman did not maintain a copy of the video footage.

13. It is found that, upon receipt of the request set forth in paragraph 2, above, it is found that the First Selectman correctly understood the request as one seeking a copy of the video footage from the camera that captured the act of vandalism, which occurred on June 5, 2023. It

---

<sup>1</sup> The Town Hall has eight operational video cameras.

is further found that the First Selectman searched the video files maintained on the town's recording system for any video footage created on June 5, 2023. It is found that the First Selectman was unable to locate any responsive video footage.

14. It is found that the First Selectman determined that the Town Hall's video recording system only maintains video footage for a period of fourteen days, and, after such time, the system overwrites the stored recordings.

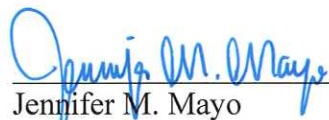
15. Accordingly, it is found that, at the time the respondents received the request set forth in paragraph 2, above, the requested video footage had been overwritten for almost four months.

16. It is concluded therefore that the respondents did not violate the disclosure 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 September 25, 2024.

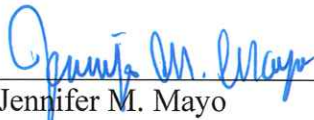
  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**DAN REALE**, 14B Wedgewood Drive, Jewett City, CT 06351

**FIRST SELECTMAN, TOWN OF PLAINFIELD; AND TOWN OF PLAINFIELD**, c/o Attorney Kristi D. Kelly, Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, 2 Union Plaza, Suite 200, New London, CT 06320



---

Jennifer M. Mayo  
Acting Clerk of the Commission