

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jim Haddadin and Connecticut Public,

Complainants

against

Docket #FIC 2024-0238

Commissioner, State of Connecticut,  
Department of Economic and Community  
Development; and State of Connecticut,  
Department of Economic and Community  
Development,

Respondents

April 23, 2025

The above-captioned matter was heard as a contested case on September 26, 2024, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After the contested case hearing on this matter, by order of the hearing officer, the complainants submitted an after-filed exhibit, which has been admitted into evidence, without objection, and marked as follows: Complainants' Exhibit A (after-filed): unsigned copy of a contract between the Department of Administrative Services and Cronin and Company, LLC.

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 October 27, 2023, Grace McGuire, a former colleague of complainant Jim Haddadin, requested copies of the following records:
  - (a) [t]he state's contract with [Cronin and Company LLC ("Cronin")], under which the company was paid to devise a marketing campaign for the state of Connecticut, resulting in the creation of the pending 'Make it Here' campaign; and
  - (b) [a]ll work products produced by Cronin and provided to the state of Connecticut pursuant to its contract, including, but not

limited to, records describing alternative marketing proposals that were not ultimately selected as the preferred option.<sup>1</sup>

3. It is found that, by email dated April 19, 2024, the respondents disclosed copies of certain records to the complainants but withheld records responsive to the request described in paragraph 2(b), above, and claimed that such records are exempt from disclosure pursuant to §1-210(b)(5)(A), G.S.

4. By letter of complaint, dated and filed April 29, 2024, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records described in paragraph 2, above.

5. It is found that, on or around October 17, 2024, the respondents, without conceding such records are responsive to the complainants' request described in paragraph 2(a), above, disclosed additional records to the complainants.

6. It is found that, by email dated January 24, 2025, the complainants withdrew their complaint with respect to their request described in paragraph 2(a), above. Consequently, such records will not be further addressed herein.

7. 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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.

9. Section 1-212(a), G.S., provides, in relevant part: "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

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<sup>1</sup> The October 27<sup>th</sup> letter also requested copies of other records no longer at issue here.

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

11. At the hearing on this matter, the respondents contended that the records still at issue are exempt from disclosure, as “trade secrets”, pursuant to §1-210(b)(5)(A), G.S. At the conclusion of the hearing on September 26, 2024, the respondents submitted to the Commission an unredacted copy of 107 pages of responsive records, along with an in camera index. On the in camera index, the respondents contended that all of the in camera records are exempt from disclosure pursuant to §1-210(b)(5)(A), G.S.

12. Section 1-210(b)(5)(A), G.S., states, in relevant part, that disclosure is not required of:

[t]rade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy....

13. The definition of “trade secret” in §1-210(b)(5)(A), G.S., “on its face, focuses exclusively on the nature and accessibility of the information, not on the status or characteristics of the entity creating and maintaining that information.” University of Connecticut v. FOI Commission, 303 Conn. 724, 734 (2012). The information claimed to be a trade secret must “be of the kind included in the nonexhaustive list contained in the statute.” Elm City Cheese Co., Inc. v. Federico, 251 Conn. 59, 70 (1999) (“Elm City Cheese”). In addition, “to qualify for a trade secret exemption under §1-210(b)(5)(A), a substantial element of secrecy must exist, to the extent that there would be difficulty in acquiring the information except by the use of improper means.” (Citation omitted; internal quotation marks omitted.) Director, Dep’t of Information Technology of Town of Greenwich v. FOI Commission, 274 Conn. 179, 194 (2005) (“Greenwich IT Dept.”).

14. University of Connecticut v. FOI Commission, 303 Conn. 737, established that a public agency may hold a trade secret for purposes of claiming the relevant exemption in response to a request for disclosure of public records. “[N]othing in the [A]ct indicates an intention to exclude public agencies from the exemption to disclosure for trade secrets they have created if the agencies generally do not engage in ‘trade.’” Id. at 734.

15. Allco Renewable Energy Limited v. FOI Commission, 205 Conn. App. 144 (2021) (“Allco”), provided additional guidance in determining the definition of “trade secret” within the meaning of §1-210(b)(5)(A), G.S. There, the court stated:

to address the nature of the information at issue, the analysis must consider the competitive nature of the industry involved. ... The inquiry necessarily considers the extent to which the economic value of the thing being assessed inheres in the secrecy by which it is developed and maintained. Beyond [the required element of secrecy], it is not possible to state precise criteria for determining the existence of a trade secret. The status of information claimed as a trade secret must be ascertained through a comparative evaluation of all the relevant factors, including the value, secrecy, and definiteness of the information....

(Citations omitted; quotation marks omitted.) Id. at 158-59.

16. It is found that the in camera records are unused logos, concepts, samples and other work product related to the State of Connecticut's "Make It Here" marketing campaign, which was developed by the respondents in conjunction with the marketing consultant company Cronin. On the in camera log, the respondents describe the in camera records as: (a) "CT Rebranding logos: powerpoint showing 4 logos, developed and demonstrating ways they could be used"; (b) "CT Concept Presentation: powerpoint showing sample social media campaigns, scripts, etc[.]"; and (c) "CT Rebranding (version 2): powerpoint showing sample social media campaigns, scripts, etc."

17. The complainants concede, and it is found, that the in camera records, described in paragraph 16, above, are of the kind included in the non-exhaustive list contained in the statute and described by the Court in Elm City Cheese. The complainants also concede, and it is found, that a substantial element of secrecy exists surrounding the in camera records, such that there would be difficulty in acquiring the information except by the use of improper means. See Greenwich IT Dep't at 194.

18. It is therefore found that the in camera records satisfy §1-210(b)(5)(A)(ii), G.S., because they are included in the types of information defined in §1-210(b)(5)(A), G.S., and are the subject of efforts that are reasonable under the circumstances to maintain secrecy.<sup>2</sup>

19. The complainants contend, however, that because the in camera records described in paragraph 16, above, consist of unused marketing campaign information, such information lacks the requisite level of economic value to the respondents and their competitors necessary for the in camera records to fall within the definition of trade secrets.

20. At the hearing on this matter, the Chief Marketing Officer for the Department of Economic and Community Development, Anthony Anthony, testified extensively regarding the value of the unused marketing campaign information to the respondents and the value of keeping such information from their competitors. Mr. Anthony testified regarding the highly competitive nature of the market (i.e., the interstate competition in attracting and retaining tourism dollars,

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<sup>2</sup> The Commission notes that the respondents testified extensively as to the efforts undertaken to maintain the secrecy of the in camera records, described in paragraph 16, above; however, as that point is conceded by the complainants, it need not be further addressed herein.

businesses, and residents) and the overall economic potential of such market, which he estimated to be billions of dollars.<sup>3</sup> Mr. Anthony also testified, and it is found, that the respondents were working through a unique marketing strategy for communicating the identity of Connecticut and that keeping the unused marketing information confidential would provide Connecticut with a competitive advantage over other states. Mr. Anthony further testified, and it is found, that the respondents paid Cronin approximately \$800,000 for the overall work product related to developing the “Make It Here” campaign, including the unused material.

21. Based upon Mr. Anthony’s testimony, it is also found, that the respondents could potentially still utilize the unused marketing campaign information and wished to reserve such material for future use, and that some of the unused marketing logos will, in fact, eventually be used on t-shirts, postcards and posters. Mr. Anthony further testified that while a logo or brand should, generally, last for approximately ten years, marketing campaigns should be “refreshed” every few years.

22. It is found, based upon the findings and detailed witness testimony described in paragraphs 20 through 21, above, that the in camera records described in paragraph 16, above, derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use.

23. Accordingly, it is found, based upon on the findings in paragraphs 17 through 18 and 20 through 22, above, and upon a careful in camera inspection, that the records described in paragraph 16, above, constitute “trade secrets” within the meaning of §1-210(b)(5)(A), G.S., and are permissively exempt from disclosure pursuant thereto.

24. It is therefore concluded that the respondents did not violate the FOI Act, as alleged in the complaint, by failing to disclose the in camera records to the complainants.

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 23, 2025.

/s/ Jennifer M. Mayo  
Jennifer M. Mayo  
Acting Clerk of the Commission

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<sup>3</sup> Mr. Anthony further substantiated this number by testifying that in 2023, the economic impact of travel to the State of Connecticut was \$18.5 billion, based upon a study conducted by an organization called Tourism Economics.

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:

**JIM HADDADIN AND CONNECTICUT PUBLIC**, 1049 Asylum Avenue, Hartford, CT 06105-2411

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT; AND STATE OF CONNECTICUT, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**, c/o Assistant Attorney General James W. Caley, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106

/s/ Jennifer M. Mayo  
Jennifer M. Mayo  
Acting Clerk of the Commission

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