

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Laura Marozsan,

Complainant

against

Docket # FIC 2024-0501

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection,

Respondents

August 13, 2025

The above-captioned matter was heard as a contested case on February 19, 2025, at which time the complainant and the respondents appeared 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 June 4, 2024, the complainant requested that the respondents provide her with a copy of an investigation report conducted by the respondent department concerning her minor child.
3. It is found that, by email dated June 4, 2024, the respondents acknowledged the complainant's request and her payment of \$16.00 as payment for a copy of the requested report.¹ It is further found that the respondents informed the complainant that they processed requests in the order in which they are received.
4. It is found that, by email dated June 11, 2024, the complainant requested that the respondents provide her with a status update on the processing of her request.
5. It is found that, by email dated June 11, 2024, the respondents again informed the complainant that they process requests in the order in which they are received.

¹ Section 29-10b, G.S., permits the respondents to charge \$16 for a "copy of an accident or investigative report."

6. It is found that, on or about June 19, 2024, the complainant telephoned the respondents, who confirmed that their investigation was closed on June 4, 2024. It is further found, however, that the respondents informed the complainant that, due to a staffing shortage, they estimated it would take between ten to twelve months for them to provide her with a copy of the requested report.

7. It is found that, on August 6, 2024, the complainant appeared in person at the office of the respondents and requested a status update on the processing of her request. It is found that the respondents informed the complainant that the requested report was not yet available.

8. By email dated August 20, 2024 and received August 21, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying her request for a copy of the investigation report, described in ¶ 2, above.

9. 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.

10. 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.

11. 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.”

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

13. At the hearing on this matter, the complainant contended that she was informed on multiple occasions that she was entitled to receive a copy of the respondent department’s investigation; and further contended that because she was informed by an employee of the respondent department (and by a State’s Attorney) that she was entitled to a copy of the report

pursuant to the FOI Act, the respondents should be deemed to have waived any claim that the report is exempt from disclosure.

14. By way of example, it is found that, by text message dated June 4, 2024, a detective with the respondent department informed the complainant that, since the investigation was closed, the respondents would provide her with a redacted copy of the requested report, stating:

The report is officially closed on my end, which [you] will be able [to] ...obtain through FOIA as soon as they're done with redacting information. The following is the required information to obtain the report:

State Police Case Number: 23002368250
Reports and Records Office: (860) 685-8250

See Complainant's Post-Hearing Ex. A-1.

15. It is further found that the State's Attorney for the Judicial District of Waterbury who declined to prosecute the alleged, underlying criminal matter also informed the complainant that she would be able to obtain a copy of the requested report by way of an FOI request.

16. In addition, it is found that, by letter dated October 7, 2024, five Connecticut legislators urged the Respondent Commissioner to provide the complainant with a copy of the requested report on an expedited basis. In this regard, it is found that the legislators appeared to be responding to the respondents' contention that, due to a staffing shortage, they required between ten and twelve months to provide the report to the complainant. See ¶ 6, above.

See Complainant's Post-Hearing Ex. A-2.

17. In response to the letter referenced in paragraph 16, above, and at the hearing on this matter, the respondents contended that the requested report was exempt from disclosure pursuant to §17a-101k, G.S.²

18. Section 17a-101k, G.S., provides, in relevant part:

- (a) The Commissioner of Children and Families shall maintain a registry of the commissioner's findings of abuse or neglect of children pursuant to section 17a-101g The regulations adopted pursuant to subsection (i) of this section shall provide for the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children and the establishment of a hearing process for any appeal by a person of the commissioner's determination that such person

² The Commissions notes that by letter dated January 2, 2025, over six months after the complainant's initial request, the respondents' Legal Affairs Unit informed the complainant that the requested report was exempt from disclosure pursuant to §17a-101k, G.S. See Respondents' Ex. 2.

is responsible for the abuse or neglect of a child pursuant to subsection (b) of section 17a-101g. The information contained in the registry and any other information relative to child abuse, wherever located, shall be confidential, subject to such statutes and regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations adopted by the commissioner under this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year.

(Emphasis added).

19. In Groton Police Dep't v. Freedom of Info. Comm'n, 104 Conn. App. 150 (2007), the Appellate Court ruled that §17a-101k, G.S., “falls within the opening sentence of §1-210(a), which provides in relevant part that ‘except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency. . . shall be public records. . . ,’” and, “because §17a-101k, mandates confidentiality of information regarding child abuse, records of child abuse, wherever located, are exempted from the general rule of disclosure.”

20. In Groton, the requester, like the complainant in the present case, was the parent of an alleged child abuse victim. The Commission concluded in Groton, that, because of the requester’s status as the parent of the alleged child abuse victim, she had implicitly waived the confidentiality provisions in §17a-101k, G.S., by requesting the subject records under the FOI Act. The Commission thus ordered the records disclosed, with certain redactions.

21. The police department appealed the Commission’s decision to the Superior Court, which sustained the appeal, concluding that the confidentiality requirements in §17a-101k, G.S., may not be implicitly waived. The Appellate Court upheld the Superior Court’s decision. According to the Appellate Court, the requester’s status as a parent of an alleged victim was immaterial to the request for records under the FOI Act, because, by invoking the FOI Act, a requester is not seeking the records as a parent, but as member of the general public. “[A] decision by the commission recognizing waiver would be, in effect, allowing a member of the general public to waive the protection of §17a-101k, which would be a bizarre result.” Citing to the Supreme Court’s decision in Chief of Police v. Freedom of Info. Comm’n, 252 Conn. 377, 387 (2000), the Groton court reiterated that “[t]he issue of whether a record is disclosable under the [A]ct ‘does not depend in any way on the status or motive of the [requester], because the [A]ct vindicates the public’s right to know, rather than the rights of any individual.’”

22. At the conclusion of the hearing on this matter, the complainant requested that the hearing officer order the respondents to submit the records at issue to the Commission for in camera inspection, which request was granted.

23. On March 5, 2025, the respondents submitted the records at issue to the Commission for in camera inspection. Such records shall be identified as IC-2024-0501-1 through IC-2024-0501-754.

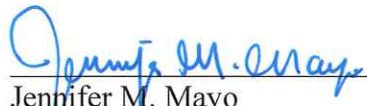
24. Upon careful in camera inspection, it is found that the in camera records comprise a single investigative report. It is further found that such report contains "information relative to child abuse," within the meaning of §17a-101k(a), G.S.

25. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., when they declined to provide a copy of the requested report to the complainant.

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 August 13, 2025.



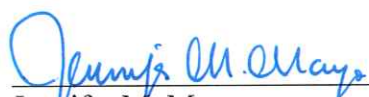
Jennifer M. Mayo
Acting Clerk of the Commission

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:

LAURA MAROZSAN, c/o Attorney Elizabeth Fitzsimmons, Claqqett, Sykes & Garza, 76 Batterson Park Road, Suite 301, Farmington, CT 06032

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, c/o Attorney T. Evan Eosten Fisher, Department of Emergency Services and Public Protection, Legal Affairs Unit, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission