

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Terrence Hastings,

Complainant

against

Docket #FIC 2024-0108

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

Respondents

February 13, 2025

The above-captioned matter was heard as a contested case on September 6, 2024, at which time the complainant and respondents appeared and presented exhibits and argument on the complaint. The complainant also provided testimony, but the respondents did not.

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 January 19, 2024, the complainant sought “any and all information related to [Department of Social Services (“DSS”)] handling of Michael Hastings . . . as my requests below regarding an elder abuse complaint has been ignored or I have been disregarded. I would also request any and all information dealing with the handling of Michael Hastings as a conservator by the DSS as appointed by Probate Judge Matthew [Vacarelli] on or about September 18, 2023.” Hereinafter, the “January 19 request.”
3. It is found that, on the same day, the respondents’ Privacy Officer acknowledged the complainant’s request and asked the complainant to fill out and submit a W-298 form<sup>1</sup> in order to access the requested records.<sup>2</sup>

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<sup>1</sup> The Commission takes administrative notice that a W-298 is a form utilized by the respondents and is entitled “Authorization for Disclosure of Information.”

<sup>2</sup> The January 19, 2024 response email from the respondents’ Privacy Officer referred to “the attached form.” The email chain does not show an attachment; however, it is undisputed that the respondents provided the complainant with a blank W-298 form to fill out and return.

4. It is found that on January 25, 2024, the complainant replied to the respondents indicating that he was not asking for the personal information of Michael Hastings and reiterated that he was requesting “any and all public information as per FOI regarding: [(i)] the elder abuse claim report process of Michael Hastings, follow up, and disposition by DSS[; and (ii)] [a]ny and all public information regarding the conservatorship handling, with dates, by DSS as appointed by Judge Matthew Vacarelli of the Waterbury Probate Court.” (Emphasis in original).

5. It is found that on February 16, 2024, the complainant followed up with the respondents concerning his January 19 request.

6. It is found that on February 20, 2024, the respondents’ Freedom of Information (“FOI”) Officer informed the complainant that his January 19 request was in the process of being completed.

7. By letter of complaint received and filed February 20, 2024, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to disclose records relating to the investigation of the elder abuse complaint he filed with the respondents.

8. It is found that on February 22, 2024, the respondents’ FOI Officer informed the complainant that the respondents had finished their review of his January 19 request, and that: (i) the records the complainant was seeking were not “public records” pursuant to §17b-452, G.S.; (ii) the respondents were unable to release the requested records without a completed W-298 form; and (iii) any public information concerning the probate case would be available at the Waterbury Probate Court.

9. Section 1-200(5), G.S., provides that:

“[p]ublic records or files” means any record or 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 by 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. The respondents maintain that the records sought by the complainant in his January 19 request are not public records pursuant §17b-452, G.S.

13. Section 17b-452(a), G.S., provides that, “[t]he commissioner [of Social Services], upon receiving a report that an elderly person allegedly is being, or has been, abused, neglected, exploited or abandoned, or who 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.”

14. Section 17b-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.” (Emphasis added).

15. The Commission has previously interpreted an “elderly person’s file” to encompass a broad range of records related to a claim of elder abuse, such as: “correspondence to and from the Department [of Social Services], interdepartment[al] memos or emails, and any communications to or from any external entities or [d]epartments.” Docket # 2023-0100, Earl Bradley v. Commissioner, State of Connecticut, Department of Social Services et al., ¶¶ 1, 13 (January 10, 2024).

16. It is found that the complainant, in his January 19 request, specifically sought records related to the elder abuse claim he filed with the respondents. Additionally, it is found that the records pertaining to the conservatorship and probate court proceedings identified in the complainant’s January 19 request directly relate to that elder abuse claim.

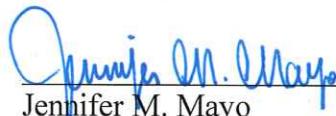
17. Accordingly, it is found that the records sought by the complainant in his January 19 request are part of an “elderly person’s file,” within the meaning of §17b-452(c), G.S.

18. 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 not disclosing records in response to the complainant’s January 19 request.<sup>3</sup>

The following order of 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 February 13, 2025.

  
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Jennifer M. Mayo  
Acting Clerk of the Commission

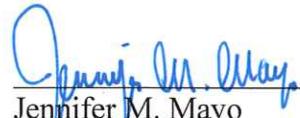
<sup>3</sup> The Commission notes that the complainant may utilize an alternative statutory mechanism other than the FOI Act to access the records sought in his January 19 request – i.e., by submitting a completed W-298 form to the respondents.

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:

**TERRENCE HASTINGS**, c/o Attorney James R. Hastings, 3 Manhattanville Road, Suite 105, Purchase, NY 10577

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

  
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Jennifer M. Mayo  
Acting Clerk of the Commission