

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Eileen Ego,

Complainant

against

Docket # FIC 2024-0112

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

Respondents

February 13, 2025

The above-captioned matter was heard as a contested case on August 1, 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, via a January 25, 2024 GovQA¹ submission (“January 25 request”), the complainant requested that the respondents provide her with copies of “all public records or files containing information regarding an Objective Job [E]valuation of the Transportation District Engineer classification that was conducted in 2022.” In such request, the complainant also stated “[b]ecause I am not sure of the exact date, I would ask that you extend the timeframe to also include 2020, 2021 and 2023.”
3. It is found that, via the GovQA system, the respondents denied the complainant’s request on January 25, 2024, claiming that the requested records are exempt from disclosure pursuant to §§ 1-210(b)(1), 1-210(b)(6), and 1-210(b)(9), G.S.
4. It is found that, via a January 26, 2024 GovQA submission (“January 26 request”), the complainant responded to the respondents’ claims of exemption, reiterated that she was still seeking the same records described in paragraph 2, above, and also explained that she was primarily seeking:

¹ GovQA is a web-based software system, which the respondents utilize to manage their public records requests and responses thereto.

notes from desk audits conducted to ascertain the current duties of the Transportation District Engineer, and if these duties have changed since the last review. As well, documentation of pay rates for engineers with similar levels of responsibility in the private sector. Finally, documentation that demonstrates the analysis that was done to indicate that no change to the compensation plan was warranted.

5. It is found that the respondents acknowledged the complainant's January 26 request, via the GovQA system, on January 26, 2024.

6. By letter dated February 2, 2024 and filed with the Commission on February 20, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by denying the January 25 and January 26 requests.

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 section 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 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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

9. 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."

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

11. It is found that subsequent to the filing of the complaint, the respondents provided the complainant with 148 pages of records. It is further found that just prior to the hearing on this matter, the respondents provided the complainant with additional records which were

comprised of a memorandum and attachments dated June 17, 2024, portions of which were redacted.

12. During the hearing on this matter, the complainant testified, and it is found, that she is employed as a transportation district engineer for the Connecticut Department of Transportation (“DOT”). She further testified, and it is found, that based upon an email she received from a human resources specialist for the respondent Department of Administrative Services (“DAS”) on January 9, 2024,² she believed that an objective job evaluation pursuant to §5-200a, G.S.,³ had been completed for the transportation district engineer classification in 2022. However, the complainant contended that she did not receive any records to any such objective job evaluation.

13. The complainant also claimed that the 148 pages records described in paragraph 11, above, were not responsive to her January 25 and January 26 requests, but rather related to a prior records request she had submitted to the respondents. The complainant likewise argued that the records the respondents provided her days before the hearing on this matter, were completed in 2024 and, thus, also were not responsive to her January 25 and January 26 requests. The complainant further contended that, assuming the respondents had performed a proper objective job evaluation pursuant to §5-200a, G.S., additional records should exist, including for example, notes from desk audits, records of pay rates for engineers in the private sector, and others.

14. In addition, the complainant claimed that the requested records are not exempt pursuant to §§1-210(b)(6) and 1-210(b)(9), G.S., because the transportation district engineer position is a managerial classification that is not subject to collective bargaining and the records requests do not relate to examination or scoring. The complainant also contested the respondents’ claim that the public interest in withholding the records clearly outweighed the public interest in disclosure pursuant to §1-210(b)(1), G.S.

15. At the hearing on this matter, the respondents contended that they disclosed to the complainant all records maintained by the respondents that were responsive to the January 25 and January 26 requests, with the exception of those records that they considered exempt from disclosure pursuant to §§1-210(b)(1), 1-210(b)(6) and 1-210(b)(9), G.S. The respondents also contended that whether the respondents complied with §5-200a(a), G.S., is not at issue in this matter.

² It is found that, by email dated January 9, 2024, a human resources specialist for DAS, in response to an inquiry by the complainant, informed the complainant that “[DAS], in conjunction with the Office of Policy and Management and State of Connecticut Executive Branch agencies periodically review State job classes to determine if they are appropriately compensated. The Transportation District Engineer job class was reviewed in 2022 and no changes were made to the compensation level of the job class.”

³ Section 5-200a(a), G.S., provides “[t]he Commissioner of Administrative Services shall evaluate classifications in state service on a periodic basis of not less than five years to determine if the classification is in the appropriate compensation plan based upon appropriate and reasonably objective job-related criteria, excluding classes covered by section 5-198. Said objective, job-related criteria shall include but not be limited to: (1) Knowledge and skill required to carry out the duties of the position, (2) effort, both mental and physical, and (3) accountability. Evaluation committees which are representative of management and employees in the occupations being evaluated shall be formed for the purposes of this section.”

16. Based upon the testimony at the hearing on this matter, it is found that the respondents conducted a thorough search for the records described in the January 25 and January 26 requests. It is further found that the records described in paragraph 11, above, are not responsive to the complainant's January 25 and January 26 requests. However, it is also found that no other responsive records exist, with the exception of the records the respondents withheld based upon §§1-210(b)(1), 1-210(b)(6) and 1-210(b)(9), G.S.⁴

17. On August 14, 2024, the respondents submitted the withheld records along with an in camera index to the Commission for in camera inspection. Such records will be described herein as IC-2024-0112-1 through IC-2024-0112-545.

18. On the in camera index, the respondents claimed that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; IC-2024-0112-257 through IC-2024-0112-509; and portions of IC-2024-0112-510 through IC-2024-0112-544 were exempt pursuant to §1-210(b)(1), G.S., and that portions of IC-2024-0112-545 were exempt pursuant to §1-210(b)(2), G.S.

19. It is found that the respondents included IC-2024-0112-062 through IC-2024-0112-185 in the in camera records. After a careful inspection of IC-2024-0112-062 through IC-2024-0112-185, it is found that such records are not responsive to the complainant's request,⁵ and will not be further addressed herein.

20. It is found that the respondents included IC-2024-246 through IC-2024-0112-256 in the in camera records. On the in camera index, the respondents indicated that IC-2024-246 through IC-2024-0112-256 are "not exempt," as such the respondents should provide the complainant with copies of such records if they have not done so already. Such records will not be further addressed herein.

21. After reviewing the remaining in camera records, the hearing officer determined that additional information was needed to consider the respondents' claimed exemptions. On January 6, 2025, the hearing officer ordered the respondents to submit an affidavit attesting to certain information regarding the respondents' claim that the in camera records were exempt from disclosure pursuant to §§1-210(b)(1) and 1-210(e), G.S.

22. On January 8, 2025, in response to the hearing officer's January 6, 2025 Order, the respondents submitted an affidavit of Stephanie Laudano, Statewide Human Resources Program Manager for DAS ("HR Program Manager") – Respondents' Exhibit 2 (after filed) as well as an affidavit of Michael Cosgrove, Human Resources Administrator for DAS ("HR Administrator") - Respondents' Exhibit 3 (after filed).

⁴ The Commission notes that whether additional records should exist and whether the respondents complied with the requirements of §5-200a(a), G.S., is outside the Commission's jurisdiction and therefore will not be addressed further herein.

⁵ It is found that IC-2024-0112-062 through IC-2024-0112-185 relate to entirely different job classifications than the transportation district engineer and, indeed, concern job classifications of an entirely different agency from the DOT and have nothing to do with engineering.

§§1-210(b)(1) and 1-210(e), G.S.

23. With respect to the respondents' claim that the in camera records are exempt from disclosure pursuant to §1-210(b)(1), G.S., such section provides that disclosure is not required of "preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure."

24. The Connecticut Supreme Court ruled in *Wilson v. Freedom of Information Commission*, 181 Conn. 324, 332 (1980) ("Wilson"), that:

[w]e do not think the concept of preliminary, as opposed to final, should depend upon who generates the notes or drafts, or upon whether the actual documents are subject to further alteration. . . . Instead the term 'preliminary drafts or notes' relates to advisory opinions, recommendations, and deliberations comprising part of the process by which government decisions and policies are formulated. . . .

. . . [p]reliminary drafts or notes reflect that aspect of an agency's function that precedes formal and informal decision making. We believe that the legislature sought to protect the free and candid exchange of ideas, the uninhibited proposition and criticism of options that often precedes, and usually improves the quality of, governmental decisions. It is records of this preliminary, deliberative, and predecisional process the exemption was meant to encompass.

25. In *Van Norstrand v. Freedom of Information Commission*, 211 Conn. 339, 343 (1989) ("Van Norstrand"), the Supreme Court provided further guidance regarding "preliminary drafts". Citing the dictionary definition, the court stated that the term "preliminary" means "something that precedes or is introductory or preparatory", and "describes something that is preceding the main discourse or business." *Id.* According to the court, "[b]y using the nearly synonymous words 'preliminary' and 'draft', the legislation makes it very evident that preparatory materials are not required to be disclosed." *Id.*

26. The year following *Wilson*, however, the Connecticut General Assembly passed Public Act 81-431, which added to the FOI Act the language now codified in §1-210(e)(1), G.S. That provision narrowed the exemption for preliminary drafts or notes and provides in relevant part:

[n]otwithstanding [§1-210(b)(1)], disclosure shall be required of:
[i]nteragency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, *except that disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of staff of a public agency, which is subject to revision prior to*

submission to or discussion among the members of such agency.
... (emphasis added).

27. Accordingly, §§1-210(b)(1) and 1-210(e)(1), G.S., together, permit a public agency to withhold records of the agency's preliminary, predecisional, deliberative process, so long as the agency has determined that the public interest in withholding the records clearly outweighs the public interest in disclosing them *and such records are not interagency or intra-agency memoranda or letters, advisory opinions, recommendations, or reports*. See *Shew v. Freedom of Information Commission*, 245 Conn. 149, 164-166 (1998).

28. Based upon the testimony and the affidavits, it is found that a job class revision that has an economic impact must be reviewed and approved by DAS and then sent to the Office of Policy and Management ("OPM") for review and approval before such revisions can be implemented.⁶

29. The respondents assert that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 are exempt under §1-210(b)(1), G.S., as preliminary drafts and notes, because they relate to the respondents' "preliminary drafts" of certain job class revisions or "Items" that DAS had submitted to OPM.

30. In her affidavit, the HR Program Manager averred, and it is found, that a team of DAS employees reviewed the various job classes based on input from various stakeholders and data with the intended purpose of evaluating appropriate compensation levels for the job classes being analyzed.

31. In her affidavit, the HR Program Manager averred, and it is found, that the ultimate decision maker at DAS concerning the records described in paragraph 29, above, was Deputy Commissioner Nicholas Hermes, the Chief Human Resource Officer for DAS. It is further found that the ultimate decision maker at OPM was the Executive Budget Officer. It is also found that certain records were shared with such decision makers on the date of the email to which such documents were attached.

32. Both the HR Program Manager and the HR Administrator averred in their affidavits, and it is found, that they determined that the public interest in withholding the in camera records outweighed the public interest in disclosure of such records because DAS needs a forum to discuss various compensation proposals for job classifications and disclosing those candid and frank discussions could have a chilling effect on the analysis needed to make final decisions.

33. It is found that the balancing test was undertaken in good faith, and that the reasons for nondisclosure are not frivolous or patently unfounded.

34. It is found that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 relate to six separate memoranda along with corresponding emails, which were all created in 2022. It is also

⁶ DAS and OPM call such job class revisions "Items."

found that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 relate to proposed changes to the transportation district engineer and/or other DOT positions and that DAS submitted certain of the memoranda containing such proposed changes to OPM for approval. Based upon a careful in camera review, it is found that different "Item" numbers were assigned to the different memoranda.

35. It is found that, prior to such memoranda being submitted to OPM for approval, the memoranda were created in a team setting through a series of communications among DAS staff members. It is further found that the team was comprised of DAS employees including but not limited to the HR Administrator and, at times, the HR Program Manager, but not the final decision maker for DAS.

36. It is found, however, that the final decision maker for DAS reviewed and approved the memoranda prior to each such memoranda's submission to OPM.

37. It is found that, after the DAS final decision maker approved each such memoranda and after each such memoranda was submitted to OPM for approval, OPM's final decision maker reviewed such memoranda and provided feedback. It is also found that OPM did not accept certain proposed recommendations described in certain of the memoranda. It is also found that DAS staff members prepared certain new memoranda based upon OPM's feedback and submitted the new memoranda to OPM for approval, after the DAS final decision maker approved such memoranda.

38. In a similar case, the Commission determined that a proposed budget report that the Department of Developmental Services ("DSS") submitted to OPM was not a preliminary draft within the meaning of §1-210(b)(1), G.S., even though OPM did not accept the proposed budget and thereafter DSS revised the budget proposal and submitted a new memorandum to OPM for approval, which OPM ultimately accepted. *James, et al. v Commissioner, State of Connecticut, Department of Developmental Services*, Docket #FIC 2016-0460 (May 10, 2017) ("James").

39. As in *James*, it is found that IC-2024-186 through IC-2024-0112-245; IC-2024-0112-257 through IC-2024-0112-376; IC-2024-0112-379 (lines 29 through 33 only) through IC-2024-0112-382; IC-2024-0112-444 through IC-2024-0112-466; IC-2024-0112-468 (lines 6 through 31 only); IC-2024-0112-472 through IC-2024-0112-479; and IC-2024-0112-481 through IC-2024-0112-509 are comprised of DAS' final memoranda submitted to OPM and emails related thereto and, thus, they were not preliminary drafts, within the meaning of §1-210(b)(1), G.S.

40. It is found that the in camera records described in paragraph 39, above, do not reflect the respondents' preliminary, deliberative or predecisional process, nor do they reflect an aspect of the respondent agency's function that precedes formal or informal decision-making. Rather, it is found that such in camera records are the culmination of DAS' preliminary deliberations and DAS' formal proposals to OPM and email communications related thereto.

41. Furthermore, even if the in camera records described in paragraph 39, above, could somehow be considered preliminary drafts, they are nonetheless subject to disclosure as interagency memoranda or letters, advisory opinions, recommendations, or reports "comprising

part of the process by which governmental decisions. . . are formulated,” within the meaning of §1-210(e)(1), G.S.

42. Accordingly, it is found that the in camera records described in paragraph 39, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and 1-210(e), G.S.

43. However, upon a careful review of the in camera records, it is found that IC-2024-0112-1 through IC-2024-0112-62; IC-2024-0112-377 through IC-2024-0112-379 (lines 1 through 28 only); IC-2024-0112-383 through IC-2024-0112-443; IC-2024-0112-467 through IC-2024-0112-468 (lines 1 through 5 only); IC-2024-0112-471; and IC-2024-0112-480 were internal preliminary discussions among DAS staff members, regarding the drafting of the memoranda or Items and, thus, are preliminary drafts. It is further found that these documents contain DAS’ deliberative process which led to the issuance of the six memoranda that were ultimately submitted to OPM.

44. As found in paragraphs 32 and 33, above, the respondents determined that the public interest in withholding these records clearly outweighed the public interest in disclosure; and that the balancing test was undertaken in good faith, and the reasons for nondisclosure are not frivolous or patently unfounded.

45. Finally, it is found that the in camera records described in paragraph 43, above, which are fairly described as draft documents prepared by members of DAS staff, and which were subject to revision and preceded the memoranda that were submitted to OPM along with certain emails related thereto, were not otherwise interagency or intra-agency memoranda, letters, advisory opinions, recommendations or reports, within the meaning of §1-210(e)(1), G.S.

46. Accordingly, it is concluded that the respondents did not violate the disclosure requirements of §§1-210(a) and 1-212(a), G.S., by withholding the in camera records described in paragraph 43, above.

47. It is found that, by memorandum dated June 17, 2024, DAS submitted an additional recommendation regarding the transportation district engineer and other DOT classifications, which memorandum was accepted by OPM and has been disclosed to the complainant with portions thereof redacted. See paragraph 11, above.

48. It is found that IC-2024-0112-514 through IC-2024-0112-527 comprise the June 17, 2024 memorandum described in paragraph 47, above, along with certain attachments.

49. The respondents contended that IC-2024-0112-510 through IC-2024-0112-544, which are the records that they provided to the complainant just prior to the hearing (portions of which were redacted) (see paragraph 11, above), comprised the final version of the records that are contained within IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509.

50. It is found that IC-2024-0112-514 through IC-2024-0112-527 relate to a separate memorandum and Item than the prior memoranda contained within IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through

IC-2024-0112-509 and described in paragraphs 34 through 37, above. Indeed, it is found that IC-2024-0112-514 through IC-2024-0112-527 were submitted by DAS to OPM for approval two years after the prior memoranda, which were created in 2022.

51. In addition, the respondents acknowledged at the hearing on this matter, and it is found, that the memoranda and attachments comprising IC-2024-0112-514 through IC-2024-0112-527 were not preliminary drafts but rather they comprised a final Item that was approved by both DAS and OPM.

52. Accordingly, it is found that IC-2024-0112-514 through IC-2024-0112-527 are not exempt from disclosure pursuant to §§1-210(b)(1) and 1-210(e), G.S., and thus the respondents violated the disclosure requirements of §§1-210(a) and 1-212(a), G.S., by withholding the information redacted from IC-2024-0112-514 through IC-2024-0112-527.

§1-210(b)(9), G.S.

53. At the hearing on this matter, the respondents contended that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 are exempt from disclosure pursuant to §1-210(b)(9), G.S.

54. Section 1-210(b)(9), G.S., provides, in relevant part, that nothing in the FOI Act shall require disclosure of “records, reports and statements of strategy or negotiations with respect to collective bargaining[.]”

55. Section 1-210(b)(9), G.S., “does not exempt every record pertaining to collective bargaining from disclosure, *only those that reveal strategy or negotiations.*” *Bloomfield Educ. Ass'n v. Frahm*, 35 Conn. App. 384, 388, cert. denied, 231 Conn. 926 (1994) (“*Bloomfield*”). (Emphasis added). In *Bloomfield*, the Appellate Court concluded that the legislature, by inserting the terms “strategy” and “negotiations,” intended to qualify the exemption. *Bloomfield*, at 389. The court reasoned: “[h]ad the legislature meant to exempt all records, reports, and statements with respect to collective bargaining, then it would not have included the words ‘strategy’ and ‘negotiations.’” *Id.*

56. Strategy is defined as “a careful plan or method and the art of devising or employing plans or stratagems toward a goal. ... Negotiations is a broad term ... but in general it means the deliberation which takes place between the parties touching a proposed agreement.” (Citations omitted; internal quotation marks omitted.) *Bloomfield*, 35 Conn. App. at 390. “A key element of negotiations is the existence of an offer of possible settlement. In decisions concerning labor disputes, courts have described negotiations as the ‘process of submission and consideration of offers until an acceptable offer is made, and accepted....’” *Bloomfield*, 35 Conn. App. at 390.

57. It is found that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 relate to the transportation district engineer and/or other DOT positions which are management positions that are not subject to collective bargaining.

58. It is also found that there is no mention of collective bargaining negotiations within the in camera records described in paragraph, 57, above. It is found that any mention of a collective bargaining agreement in the records solely refers to an already existing agreement, not any specific, ongoing, or formal negotiations with any collective bargaining unit.

59. It is found that the in camera records described in paragraph, 57, above, do not contain the respondents' specific collective bargaining negotiation strategy nor the parties' settlement offers or tactical purposes related to the collective bargaining process, within the meaning of §1-210(b)(9), G.S.

60. Based upon the foregoing, it is concluded that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 are not exempt from disclosure pursuant to §1-210(b)(9), G.S.

§1-210(b)(6), G.S.

61. At the hearing on this matter, the respondents contended that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 are exempt from disclosure pursuant to §1-210(b)(6), G.S.

62. Section 1-210(b)(6), G.S., provides that disclosure is not required of “[t]est questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations.”

63. The types of records that the Commission has found to be exempt pursuant to §1-210(b)(6), G.S., pertain to certain employment, licensing and academic applications and examinations, and include interview questions, scores, rankings and the criteria used in development of the questions. *See, e.g., Winter v. Commissioner, State of Connecticut, Department of Motor Vehicles; and State of Connecticut, Department of Motor Vehicles, Docket #FIC 2014-197* (January 14, 2015) (oral interview questions, scores, rankings and the criteria used in development of the questions constitute test questions, scoring keys and other examination data used to administer an examination for employment within the meaning of §1-210(b)(6), G.S.); and Docket #FIC 2017-0730; *Joseph Dinegar v. Superintendent, State of Connecticut, Connecticut Technical High School System, et al.* (June 27, 2018) (the scoring rubric, test questions, responses to test questions, interview questions, interviewer notes/evaluations, and scoring keys for candidates for employment constitute test questions, scoring keys and other examination data used to administer an examination for employment within the meaning of §1-210(b)(6), G.S.).

64. At the hearing on this matter, the respondents offered no testimony regarding their claim that the in camera records are exempt pursuant to §1-210(b)(6), G.S.

65. Based upon a careful review of IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509, it is found that such in camera records relate to descriptions of certain DOT employment classifications. It is further found that none of the records constitute employment applications,

test questions, scoring keys and other examination data used to administer an examination for employment within the meaning of §1-210(b)(6), G.S.

66. It is therefore concluded that IC-2024-0112-1 through IC-2024-0112-63; IC-2024-0112-186 through IC-2024-0112-245; and IC-2024-0112-257 through IC-2024-0112-509 are not exempt from disclosure pursuant to §1-210(b)(6), G.S.

67. Accordingly, it is concluded that the respondents violated the disclosure requirements of §§1-210(a) and 1-212(a), G.S., by withholding the following records, or portions thereof, from the complainant: IC-2024-186 through IC-2024-0112-245; IC-2024-0112-257 through IC-2024-0112-376; IC-2024-0112-379 (lines 29 through 33 only) through IC-2024-0112-382; IC-2024-0112-444 through IC-2024-0112-466; IC-2024-0112-468 (lines 6 through 31 only); IC-2024-0112-472 through IC-2024-0112-479; and IC-2024-0112-481 through IC-2024-0112-509.

§1-210(b)(2), G.S.

68. On the in camera index, the respondents claimed that lines 7 through 18 of IC-2024-0112-545 are exempt from disclosure pursuant to §1-210(b)(2), G.S.,⁷ because such information is comprised of employee identification numbers.

69. At the hearing on this matter, the respondents failed to present any testimony or other evidence concerning their claim for exemption pursuant to §1-210(b)(2), G.S.⁸

70. However, based upon a careful in camera review, it is found that the information redacted on lines 7 through 18 of IC-2024-112-545 is comprised of employee identification numbers.

71. The Commission has repeatedly declined to order disclosure of employee identification numbers pursuant §1-210(b)(2), G.S., as such disclosure would constitute an invasion of personal privacy. *See Regan, et al. v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, et al.*, Docket #FIC 2015-422 (February 24, 2016); *Daly, et al. v. Commissioner, State of Connecticut, Department of Correction, et al.*, Docket #FIC 2014-032 (November 19, 2014).

72. Moreover, it is found that the complainant did not specifically request employee identification numbers and, therefore, such information is likely not responsive to the complainant's January 25 or January 26 requests.

⁷ Section 1-210(b)(2), G.S., provides that “[n]othing in the Freedom of Information Act shall be construed to require disclosure of... [p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy.”

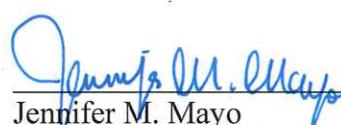
⁸ Additionally, the respondents failed to present any evidence concerning the requirements of §1-214, G.S., such as whether the subject employees were informed of the complainant's request and whether such employees objected to the disclosure of their employee identification numbers.

73. Accordingly, despite the respondents' failure to prove their claim based upon §1-210(b)(2), G.S., the Commission declines to order disclosure of the information redacted on lines 7 through 18 of IC-2024-112-545.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall forthwith provide the complainant with unredacted copies of the records identified in paragraphs 52 and 67, of the findings, above, free of charge.
2. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 2025.



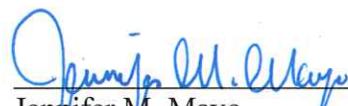
Jennifer M. Mayo
Acting Clerk of the Commission

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:

EILEEN EGO, 85 Popple Bridge Road, Griswold, CT 06351

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF ADMINISTRATIVE SERVICES; AND STATE OF CONNECTICUT, DEPARTMENT OF ADMINISTRATIVE SERVICES, c/o Attorney Ernestine Yuille Weaver and Attorney Michael Barrera, Office of the Commissioner, Department of Administrative Services, 450 Columbus Blvd., Suite 1501, Hartford, CT 06103



Jennifer M. Mayo

Acting Clerk of the Commission