

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket #FIC 2024-0206

Angel Quiros, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction,

Respondents

January 22, 2025

The above-captioned matter was heard as a contested case on September 26, 2024, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon J.).

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 March 25, 2024, the complainant requested copies of the following records:
 - (a) the contract between the Department of Correction (“DOC”) and a private company called “Cell Staff”; and
 - (b) the names and titles of all employees of Cell Staff, both current and former, who “provided medical and mental health care to inmates”.
3. It is found that, by letter dated April 4, 2024, the respondents acknowledged the complainant’s request and informed him that such request was being forwarded to the Freedom of Information (“FOI”) Liaison at his facility for processing.
4. It is found that, by separate letter dated April 4, 2024, the respondents informed the complainant that they had completed a search for responsive records but that the respondents do not maintain any such records. It is also found that the respondents informed the complainant

that any responsive contract would be maintained by the Department of Administrative Services (“DAS”) and that the complainant would need to request such records directly from DAS.

5. By letter of complaint, dated April 9, 2024 and filed April 15, 2024, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide the records, described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.

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 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:

[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: “[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 they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. At the hearing on this matter, the respondents testified, and it is found, that Cell Staff is a private company that provided services for certain state agencies, pursuant to a contract with the State of Connecticut. The respondents also testified, and it is found, that Cell Staff’s services were mostly utilized by the DOC throughout the COVID-19 pandemic.

11. With regard to the complainant’s request described in paragraph 2(a), above, the respondents testified, and it is found, that the DOC does not have a contract with Cell Staff, and any responsive records would be maintained by DAS.

12. With regard to the complainant’s request described in paragraph 2(b), above, the respondents testified, and it is found, that the DOC does not maintain a list of Cell Staff’s

employees. The respondents also testified that every day each facility would receive a list of authorized individuals to enter such facility that day and that the list of authorized individuals is discarded by staff at the end of each day.

13. Based on the findings described in paragraphs 10, 11, and 12, above, it is found that the respondents do not maintain records responsive to the complainant's request.

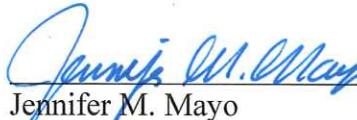
14. It is therefore concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

15. Based upon the foregoing conclusions, the complainant's request for the imposition of a civil penalty need not be addressed.

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 January 22, 2025.



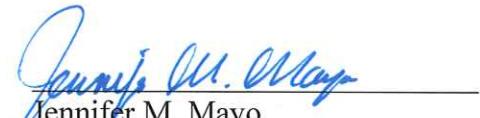
Jennifer M. Mayo
Acting Clerk of the Commission

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:

ANDRES SOSA, #260589, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

ANGEL QUIROS, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Jennifer M. Mayo
Acting Clerk of the Commission