

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket # FIC 2024-0482

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

Respondents

July 23, 2025

The above-captioned matter was heard as a contested case on February 10, 2025, 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 Anthony Sinchak v. Freedom of Information Commission*, Docket No. CV 03-0826293, 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 August 2, 2024, ("August 2, 2024 Request"), the complainant again requested certain records he had sought in a prior June 24, 2024 Request and specifically requested that the respondents provide him with copies of the following records:

[A.]... the Health Services Administrative Remedies evaluation/survey from 2019 until the present time of May of each year conduct here at #125-Cheshire Corr Inst by the Regional Chief Operating Officer, which shall include: 1. A review of both the effectiveness and integrity of the Health Services Administrative Remedies Procedure, and; 2. Recommendations for revision.

[B.] ... the annual report of each fiscal year present [sic.] to the Commissioner and Health Services Chief Operating Officer from

2019 until the present time for each September 1st of each year which report's shall include:

1. The findings and recommendations of the evaluation;
2. Statistical data regarding the number and type of remedies and dispositions;
3. The Level of disposition(s);
4. Sample responses from each level;
5. Remedies granted; and
6. Evidence of compliance with time limits at each level of decision.

3. It is found that, on August 7, 2024, the respondents acknowledged the complainant's August 2, 2024 Request by handwritten note on the complainant's August 2, 2024 inmate request form and also informed the complainant that his "request for grievance records was still being worked on."

4. By letter of complaint, dated August 12, 2024 and filed August 14, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with access to the records requested in the August 2, 2024 Request. The complainant also requested that the Commission impose civil penalties against the respondents.

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

"Public 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.

6. Section 1-210(a), G.S., 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, 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 the provisions of section 1-212.

7. 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."

8. 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.

9. It is found that, on October 24, 2024, the respondents provided the complainant with 264 pages of records responsive to his August 2, 2024 Request, portions of which were redacted.

10. At the hearing on this matter, the complainant contended that the respondents failed to provide him with all of the records responsive to his August 2, 2024 Request. He also challenged the redactions contained in the responsive records that were provided to him and requested that the hearing officer review such records in camera.

11. It is found that the Department of Correction ("DOC") FOI Administrator (the "FOI Administrator") oversees the coordination of the DOC's compliance with the FOI Act. With respect to the August 2, 2024 Request, the FOI Administrator testified, and it is found, as follows:

- a. after receiving the prior June 27, 2024 Request, the FOI Liaison for Cheshire Correctional Institution, where the complainant was housed at the time of the request, contacted Director Gallagher who is responsible for health care administrative remedies for the DOC as well as compliance with the Americans with Disabilities Act and related statutes;
- b. the FOI Liaison also contacted Regional Chief Operating Officer Hernandez, who oversees aspects of the health services unit at Cheshire Correctional Institution;
- c. Director Gallagher and Regional Chief Operating Officer Hernandez conducted a search of their records and provided responsive records to the FOI Liaison;
- d. the FOI Liaison contacted the Health Management Administrator, who oversees the regional chief operating officers and other health services staff;
- e. the Health Management Administrator provided responsive records to the FOI Administrator;
- f. the FOI Liaison also sought assistance from the FOI Administrator in responding to the complainant's requests and the FOI Administrator assisted with the search for responsive records by following up with Director Gallagher and Regional Chief Operating Officer Hernandez as well as the Health Management Administrator;

- g. other than the records provided, no other responsive records were located; and
- h. after a review and redactions for safety and security concerns and other potential exemptions, the FOI Liaison provided the complainant with the records received from Director Gallagher, Regional Chief Operating Officer Hernandez and the Health Management Administrator on October 24, 2024.

12. Based upon the Administrative Record in this case, it is found that the respondents conducted a reasonably thorough and diligent search for records responsive to the August 2, 2024 Request and, except for the portions that were redacted, provided to the complainant all responsive records they maintained, free of charge.

13. At the hearing on this matter, the FOI Administrator testified generally that the redacted information was withheld for safety and security reasons. She also testified that she believed that other than staff first names and inmate information, no other general information was withheld based on safety and security concerns.

14. On February 10, 2025, the hearing officer issued an order to the respondents to submit the records without redactions to the Commission for in camera inspection, and such records, consisting of 264 pages, were submitted on March 6, 2025. Such records shall be identified herein as IC-2024-0482-1 through IC-2024-0482-264.

15. On the Index to the in camera records, the respondents described the redacted information as: (1) staff first names; (2) staff first initials; (3) inmate numbers and full names; and (4) "safety and security." The respondents claimed that all such redacted information was exempt from disclosure pursuant to §1-210(b)(18), G.S.

16. After careful in camera inspection of the records, it is found that, except for the withheld information identified as "safety and security," the redactions are limited to such information which consists of staff first names, staff first initials, and inmate numbers and full names.

17. Section 1-210(b)(18), G.S., provides, in relevant part, that disclosure is not required of "[r]ecords, the disclosure of which the Commissioner of Correction...has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction..."

18. The Commission's role in reviewing the DOC Commissioner's safety risk determination under §1-210(b)(18), G.S., is to determine "whether the [commissioner's] reasons were pretextual and not bona fide, or irrational." *Commissioner v. Freedom of Information Commission*, 46 Conn. L. Rptr. 533, 2008 WL 4926910, at *5 (Conn. Sup. Ct. Nov. 3, 2008).

19. With respect to the first names and initials of DOC staff, the Commission takes administrative notice of the following findings of fact in *Curt Rivard v. Jon Brighthaupt, Deputy*

Warden, State of Connecticut, Department of Correction, Northern Correctional Institution, Docket #FIC 2009-350 (May 12, 2009):

(a) the use of only last names creates and maintains the formal relationship between staff and inmates that is necessary to maintain order in a correctional institution or facility because the formality generates respect for a staff member or his or her authority;

(b) if an inmate does not respect a staff member or his or her authority, such inmate is more likely to disobey directives which may result in a safety risk.

See also *Luis Salaman v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction*, Docket #FIC 2018-0710 (October 23, 2019) (disclosure of first names of DOC staff may constitute a safety risk and therefore are exempt from disclosure pursuant to §1-210(b)(18), G.S.); *Alejandro Velez v. Scott Semple, Commissioner, State of Connecticut, Department of Correction*, Docket #FIC 2017-0296 (May 23, 2018) (disclosure of first names of DOC staff may constitute a safety risk and therefore are exempt from disclosure pursuant to §1-210(b)(18), G.S.).

20. Based upon the foregoing, it is found that the DOC Commissioner had reasonable grounds to believe that disclosure of the first names and initials of DOC staff may result in a safety risk, and that the reasons given are bona fide, and not pretextual or irrational. It is therefore found that such first names and initials are exempt from disclosure pursuant to §1-210(b)(18), G.S.

21. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint, by withholding the first names and first initial of DOC staff contained in the in camera records from the complainant.

22. With respect to the numbers and full names of other inmates, the Commission takes administrative notice of the following findings of fact in *Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction, et al.*, Docket #FIC 2020-0295 (October 13, 2021):

With respect to the respondents' claim that the personal identifier of other inmate(s); medical information about an inmate; and information/details of another offender, are exempt from disclosure pursuant to §1-210(b)(18), G.S., Campanelli testified at the hearing in this matter that such information, in the possession of an inmate, can be used to bribe or extort other inmates, which may result in a safety risk.

See also *Terrell Candy v. Commissioner, State of Connecticut, Department of Correction, et al.* Docket #FIC 2021-0534 (July 27, 2022) (inmates could use information about other inmates to threaten other inmates, and manipulate staff and other inmates; therefore first names, numbers,

and other information of other inmates are exempt from disclosure pursuant to §1-210(b)(18), G.S.).

23. Based upon the foregoing, it is found that the DOC Commissioner had reasonable grounds to believe that disclosure of numbers and full names of other inmates may result in a safety risk, and that the reasons given are bona fide, and not pretextual or irrational. It is therefore found that numbers and full names of other inmate(s) are exempt from disclosure pursuant to §1-210(b)(18), G.S.

24. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint, by withholding the numbers and full names of other inmates contained in the in camera records from the complainant.

25. With respect to the information described as “safety and security” on the Index, it is found that the respondents proffered no witness testimony or other evidence regarding the basis for a determination that such redacted information, if disclosed, may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility within the meaning of §1-210(b)(18), G.S.

26. However, it is found that IC-2024-0482-14 (lines 8-10) relates to emergency codes and the Commission takes administrative notice that it has held, on several occasions, that the disclosure of emergency codes and procedures may result in a safety risk pursuant to §1-210(b)(18), G.S. *See e.g., Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction et al.*, Docket #FIC 2020-0295 (October 13, 2021) (Commissioner had reasonable grounds to believe that disclosure of emergency codes may result in a safety risk pursuant to §1-210(b)(18), G.S.); *Angel Caballero v. Commissioner, State of Connecticut, Department of Correction*, Docket #FIC 2018-0475 (April 10, 2019) (Commissioner had reasonable grounds to believe that disclosure of emergency codes may result in a safety risk pursuant to §1-210(b)(18), G.S.).

27. Based upon the reasons provided in such previous cases as set forth in paragraph 26, above, it is found that the Commissioner of Correction had reasonable grounds to believe that disclosure of the information redacted from IC-2024-0482-14 (lines 8-10) may result in a safety risk, including the risk of harm to a person, or a disorder in a correctional institution or facility, within the meaning of §1-210(b)(18), G.S. It is further found that such reasons were bona fide and not pretextual or irrational. It is therefore found that such information is exempt from disclosure pursuant to §1-210(b)(18), G.S.

28. With respect to the remaining in camera records, IC-2024-0482-1 (lines 4-6; 10); and IC-2024-0482-3 (lines 20; 21), it is found that the withheld information contains information on the assignment of staff.

29. Section 1-210(b)(18), G.S., provides in relevant part that disclosure is not required of: ... (G) Logs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities....”

30. With regard to the assignment of DOC staff, the Commission has consistently held that the Commissioner of Correction has reasonable grounds to believe that disclosure of records reflecting the schedule, work assignments and locations of DOC staff may result in a safety risk pursuant to §1-210(b)(18)(G), G.S. See *Jason Goode v. Commissioner, State of Connecticut, Department of Correction et al.*, Docket #FIC 2015-352 (March 9, 2016) (noting that the statute specifically lists “other documents” that contain information on the assignment of staff as exempt from disclosure); *Timothy Townsend v. Commissioner, State of Connecticut, Department of Correction et al.*, Docket #FIC 2014-323 (March 25, 2015) (noting that the statute specifically lists “other documents” that contain information on the assignment of staff as exempt from disclosure); *Andres Sosa v. Commissioner, State of Connecticut, Department of Correction et al.*, Docket #FIC 2012-691 (October 9, 2013) (noting that the statute specifically lists “other documents” that contain information on the assignment of staff as exempt from disclosure).

31. Based upon the reasons provided in such previous cases as set forth in paragraph 30, above, it is found that the Commissioner of Correction had reasonable grounds to believe that disclosure of information contained within IC-2024-0482-1 (lines 4-6; 10); and IC-2024-0482-3 (lines 20; 21) may result in a safety risk pursuant to §1-210(b)(18), G.S., and that such reasons are bona fide and not pretextual or irrational. It is therefore found that such information is exempt from disclosure pursuant to §1-210(b)(18), G.S.


32. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged by the complainant, by withholding information contained within IC-2024-0482-1 (lines 4-6; 10); IC-2024-0482-3 (lines 20; 21), and IC-2024-0482-14 (lines 8-10).

33. Because the respondents did not violate the FOI Act, there is no basis on which to impose a civil penalty against them.

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 July 23, 2025.


Molly Steffes
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

A handwritten signature in cursive script, reading "Molly Steffes", is written over a horizontal line.

Molly Steffes
Acting Clerk of the Commission