

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

David Fuller,

Complainant

against

Docket #FIC 2024-0490

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 19, 2025, at which time the complainant and the respondents appeared 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 the contested case hearing on this matter, the complainant submitted an after-filed exhibit, which has been admitted into evidence, without objection, and marked as follows: Complainant's Exhibit B (after-filed): copies of five grievance forms signed by the complainant on May 26, 2024, June 17, 2024, June 26, 2024, June 27, 2024, and July 1, 2024.

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 Inmate Request Form submitted to Captain Lewis and dated May 30, 2024, the complainant requested the "preservation and copy of video camera footage" related to an alleged incident that occurred at his correctional facility on May 27, 2024. It is also found that, by Inmate Request Form submitted to Captain Lewis and dated July 10, 2024, the complainant requested the "preservation and copy of security camera footage" related to a separate alleged incident that occurred at his correctional facility on July 10, 2024. It is further found that, by letter dated July 17, 2024, the complainant requested that the respondent Commissioner of the Department of Correction "preserve under [§]1-211 of the [Freedom of

information ('FOI') Act]" the two videos previously requested by Inmate Request Form on May 30, 2024 and July 10, 2024.<sup>1</sup>

3. By letter of complaint, dated August 16, 2024, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide copies of the video footage described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.

4. 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.

5. 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 (1) inspect such records promptly during regular office 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.

6. 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.”

7. 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.

8. At the hearing on this matter, the complainant testified that his requests, described in paragraph 2, above, were not requests to inspect or receive copies of the video footage at issue, but for the respondents to preserve and retain copies of such video footage for future use in litigation the complainant planned to file against the respondents.

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<sup>1</sup> The respondents also testified that, although the complainant’s letter to Commissioner Quiros was dated July 17, 2024, it was not received by Commissioner Quiros’s office until August 12, 2024.

9. The respondents testified that they have a process for requesting the preservation of video footage that is separate and apart from their FOI process. The respondents also testified that because the video preservation process was not properly or timely followed, the video footage described in paragraph 2, above, has been erased and no longer exists.<sup>2</sup>

10. It is found, and the Commission has long held, that jurisdiction over the retention and destruction of public records rests with the State's Public Records Administrator. See Dept. of Public Safety v. Freedom of Information Commission, 103 Conn. App. 571, 577 (2007) (the Commission is a creature of statute with limited jurisdiction; it can only administer and enforce the provisions set forth in the FOI Act).

11. It is concluded that, because the complainant's request was for the "preservation" of the video footage described in paragraph 2, above, rather than a request to inspect or receive copies of such video footage, such request is outside the Commission's jurisdiction.

12. Accordingly, based on the facts and circumstances of this case, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

13. 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 July 23, 2025.

  
Molly Steffes  
Acting Clerk of the Commission

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<sup>2</sup> The Commission notes that the complainant alleged that he sent multiple preservation requests to Captain Lewis that were never acknowledged; however, due to the findings in paragraphs 10 through 12, above, these allegations need not be further addressed herein.

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:

**DAVID FULLER, #444478**, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

**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



Molly Steffes  
Acting Clerk of the Commission