

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Julian Geter,

Complainant

against

Docket #FIC 2024-0155

Chief, Police Department, City of
Bridgeport; Police Department, City of
Bridgeport; and City of Bridgeport,

Respondents

March 12, 2025

The above-captioned matter was heard as a contested case on August 22, 2024, at which time the complainant and respondents appeared and presented exhibits and argument on the complaint. The complainant also presented testimony 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.). A continued hearing was held on January 31, 2025, at which time the respondents appeared and presented additional evidence; however, the complainant did not appear.¹

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 on January 4, 2024, the complainant requested from the respondents any record pertaining to him for the period between May 1, 2021, and August 1, 2021 (hereinafter, the “January 4 request”).
3. At the continued hearing, the respondents testified that they had acknowledged the complainant’s January 4 request. However, the respondents did not offer a copy of that acknowledgment into evidence, nor did they provide testimony regarding a date as to when such acknowledgment was sent.

¹ Shortly after the continued hearing in this matter was scheduled to commence, Commission staff contacted the correctional facility where the complainant is incarcerated and was informed that the complainant was in restrictive housing and could not participate in the proceedings.

4. It is found that on March 1, 2024, the complainant sent a follow up request to the respondents seeking the same information.

5. By letter of complaint received and filed on March 21, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information FOI Act by failing to respond to his January 4 request.

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 section 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 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.

8. 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.”

9. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that on August 5, 2024, the respondents sent records responsive to the complainant’s January 4 request to the correctional facility where he is incarcerated via standard overnight mail (hereinafter, the “August 5 disclosure”). It is found that such disclosure consisted of approximately 74 pages of partially redacted records and two letters – one addressed to the complainant and the other addressed to Counselor Supervisor Secore at the Department of Corrections.

11. It is found that the respondents’ August 5 disclosure was delivered to the correctional facility on August 6, 2024.

12. It is found that in the letter addressed to the complainant described in paragraph 10, above, the respondents indicated that approximately 80 pages of records had been withheld as exempt pursuant to §§1-210(b)(3)(B), 1-210(b)(3)(E), 54-142a, and 29-164f, G.S.

13. It is found that as of the August 22 hearing in this matter, the complainant had not received the respondents' August 5 disclosure from the correctional facility.

14. Via affidavit dated February 13, 2025, the respondents informed the Commission² that: (i) they were waiving any claim of exemption with respect to §§1-210(b)(3)(B), 1-210(b)(3)(E), and 54-146a; (ii) the only records that were either redacted or withheld were done so pursuant to §14-10, G.S., (operator license numbers) and §29-164f, G.S., (records from the National Crime Information Center ("NCIC")/COLLECT³ database); and (iii) they mailed the updated package of records to the complainant and the Department of Corrections on February 13, 2025 (hereinafter, the "February 13 disclosure"). Such affidavit is marked in evidence as Respondents' Exhibit 2 (after-filed).⁴

15. Pursuant to an order of the Hearing Officer issued on the record at the January 31 continued hearing, the respondents submitted responsive records to the Commission for in camera inspection along with an Index of Records Submitted for In Camera Inspection ("In Camera Index") on February 18, 2025. The in camera records consist of 170 pages and are hereinafter referred to as ICR 2024-0155-001 through 170.

16. Consistent with the February 13 affidavit described in paragraph 14, above, the respondents claim that the records withheld from their February 13 disclosure are subject to mandatory exemptions (as opposed to discretionary or permissive exemptions) pursuant to either §§14-10 or 29-164f, G.S.

17. Section 14-10, G.S., provides in relevant part:

(a) (1) "Disclose" means to engage in any practice or conduct to make available and make known, by any means of communication, personal information or highly restricted personal information contained in a motor vehicle record pertaining to an individual to any other individual, organization or entity;

...

(3) "Personal information" means information that identifies an individual and includes an individual's photograph or computerized image, Social Security number, *operator's license number*, name, address other than the zip code, telephone number, electronic mail address, or medical or disability information, but does not include information on motor vehicle accidents or violations, or information

² Respondents' counsel provided the February 13 affidavit to the hearing officer on February 18, 2025, when delivering the in camera records. At the instruction of the hearing officer, the respondents emailed a copy of the same to the Commission on February 19, 2025.

³ COLLECT is an acronym for the Connecticut On-Line Law Enforcement Communications Teleprocessing.

⁴ Included with the February 13, 2025 affidavit were two letters dated February 13, 2025 (one addressed to Mr. Geter and the other addressed to Counselor Supervisor Secor at the Department of Corrections), and a mailing receipt. The two February 13 letters are marked as Respondents' Exhibit 3 (after-filed) and the mailing receipt is marked as Respondents' Exhibit 4 (after-filed).

relative to the status of an operator's license, registration or insurance coverage;

...

(k) Any person, including any officer, employee, agent or contractor of the Department of Motor Vehicles, who sells, transfers or otherwise discloses personal information or highly restricted personal information *obtained from the Department of Motor Vehicles* for any purpose not authorized by the provisions of this section shall be guilty of a class A misdemeanor.

(Emphasis added.)

18. It is found that the portions of the records withheld by the respondents pursuant to §14-10, G.S., are operator license numbers of individuals mentioned in various police reports.

19. The respondents have not cited any authority interpreting the applicability of §14-10, G.S., to personal information contained in a police report. Nevertheless, the plain language of §14-10(k), G.S., states that the improper disclosure of personal information (i.e., operator license numbers) *obtained from the Department of Motor Vehicles* would be punishable as a class A misdemeanor.

20. Principles of statutory construction mandate that “[n]o part of a legislative enactment is to be treated as insignificant or unnecessary, and there is a presumption of purpose behind every sentence, clause or phrase. . .” *Peck v. Jacquemin*, 196 Conn. 53, 67 (1985). Accordingly, for §14-10(k), G.S., to apply, the respondents must establish that they obtained the operator license numbers at issue herein from the Department of Motor Vehicles.

21. It is found that the respondents presented no evidence with respect to §14-10, G.S., at either hearing in this matter.

22. It is found that the respondents failed to prove that the operator license numbers at issue herein were obtained from the Department of Motor Vehicles. Accordingly, it is further found that the respondents failed to prove that such records were exempt from disclosure pursuant to §14-10, G.S.

23. Nevertheless, the Commission notes that it has historically declined to order the disclosure of personal identifiers, such as social security numbers, employee identification numbers, and drivers’ license numbers, as such disclosure would constitute an invasion of personal privacy pursuant to §1-210(b)(2), G.S. See Docket #FIC 2014-032, *Marc Schwab and the City of Waterbury v. Commissioner, State of Connecticut, Department of Correction, et al.* (November 19, 2014) (“The Commission has consistently declined to order disclosure of social security numbers, employee identification numbers, and drivers’ license numbers contained in personnel, medical or similar files pursuant §1-210(b)(2), G.S. as such disclosure would constitute an invasion of personal privacy.”); see also, Docket #FIC 2021-0275, *Joan Zygmunt v. Attorney General, State of Connecticut, Office of the Attorney General, et al.* (November 16,

2022) (Commission declining to order the disclosure of similar identifiers, even though they were not contained in personnel, medical or similar files).

24. Although the respondents failed to prove the applicability of §14-10, G.S., to the operator license numbers withheld from disclosure in this matter, based on the Commission's historical determination that such information is exempt pursuant to §1-210(b)(2), G.S., and the facts and circumstances of this case, the Commission, in its discretion, declines to order the disclosure of the operators' license numbers withheld by the respondents in this matter.

25. The respondents next claim that ICR 2024-0155-099 through 170 are exempt in their entirety pursuant to §29-164f, G.S., as documents obtained from the NCIC/COLLECT database.

26. After careful inspection of ICR 2024-0155-099 through 170, it is found that such records are NCIC/COLLECT Records.

27. In Commissioner of Public Safety v. FOI Commission, 144 Conn. App. 821, 827 (2013), the Appellate Court clarified that "the NCIC database is to be used for limited purposes authorized by law, such as background checks, and that NCIC records may only be used for official purposes." The Court concluded that §29-164f, G.S., provides a statutory exemption to the disclosure provisions of §1-210(a), G.S. Id. at 831. Moreover, this Commission previously has held that the COLLECT system is part of the overall NCIC system and that records obtained through such system are exempt from disclosure as NCIC records. See Joseph Sastre v. Marc Montminy, Chief, Police Department, Town of Manchester. et al., Docket #FIC 2016-0535 (April 12, 2017).

28. Accordingly, it is concluded that the records identified in paragraph 25, above, are exempt from disclosure pursuant to §29-164f, G.S., and the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding such records.

Promptness

29. The Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (January 11, 1982), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means "quickly and without undue delay, taking into account all factors presented by a particular request."

30. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requestor, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request. In addition, common sense and goodwill ought to be the guiding principles.

31. As noted in paragraphs 10 and 11, the respondents first disclosed records responsive to the complainant's January 4 request on August 5, 2024 – over 200 days after the complainant made his request and just over two weeks before the first contested case hearing in this matter.

32. It is found that the respondents presented no evidence explaining the over 200-day gap between receiving the complainant's January 4 request, and their August 5 disclosure.

33. Moreover, it is found that the respondents' August 5 disclosure did not contain a voluminous number of records.

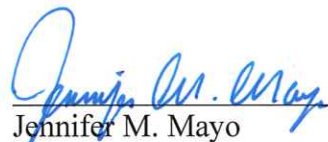
34. Accordingly, it is found that the respondents failed to prove that they acted promptly under the circumstances.

35. It is concluded, therefore, that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

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

1. Henceforth the respondents shall strictly comply with the promptness provisions in §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 12, 2025.



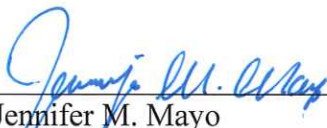
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JULIAN GETER, #344790, MacDougall Correctional Institution, 1153 East Street South, Suffield, CT 06080

CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Michael C. Jankovsky, City of Bridgeport, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Jennifer M. Mayo
Acting Clerk of the Commission