

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Andrew Brown and The Connecticut Mirror,

Complainants

against

Docket # FIC 2024-0357

Commissioner, State of Connecticut,  
Department of Public Health; and State of  
Connecticut, Department of Public Health,

Respondents

May 14, 2025

The above-captioned matter was heard as a contested case on October 15, 2024, at which time the complainants 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 on July 28, 2023, the complainants requested that the respondents provide them with a copy of the following records for the period of July 2021 through the date of the request:
  - (a) Any “immediate jeopardy orders” issued for the Children’s Center of Hamden<sup>1</sup>;
  - (b) Quality Improvement Reports for the Children’s Center of Hamden;
  - (c) Documentation from consultant reports involving the Children’s Center of Hamden (including “reports from Barrons”);
  - (d) Emails, memoranda, letters or other correspondence regarding the Children’s Center of Hamden (including emails sent to or from Barbara Cass, Jennifer Olsen-Armstrong or Kim Hriceniak);
3. It is found that on July 28, 2023, the respondents acknowledged the complainants’ request.

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<sup>1</sup> The Commission notes that the Children’s Center of Hamden is a privately operated psychiatric residential treatment facility (“PRTF”) that provides services to individuals under the age of 21.

4. It is found that on September 5, 2023, the complainants inquired with the respondents regarding the status of the request described in paragraph 2, above.<sup>2</sup>

5. It is found that, by email dated March 4, 2024, the complainants contacted the respondents' media spokesperson, explaining that the respondents had yet to comply with the request described in paragraph 2, above, and seeking the media spokesperson's assistance.

6. It is found that the media spokesperson responded on March 4, 2024, and that on March 15, 2024, the respondents provided the complainants with copies of responsive records. It is also found that the respondents notified the complainants that other responsive records, pending review, were forthcoming.

7. It is found that on June 7, 2024, the complainants contacted the respondents' media spokesperson, expressing concern that the remaining responsive records had not been provided. It is found that, by email dated June 10, 2024, the media spokesperson replied that he would look into the matter further.

8. It is found that, by email dated June 13, 2024, the complainants inquired with the media spokesperson again. It is further found that the media spokesperson replied and notified the complainants that he was contacting the respondents' attorney about the matter.

9. By letter of complaint filed June 18, 2024, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying their request for prompt access to the records described in paragraph 2, above. The complainants also requested that the respondents be ordered to undergo FOI Act training.

10. 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.

11. 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

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<sup>2</sup> During the hearing, respondents' counsel asked complainant Brown whether he recalled receiving a call from the respondents' staff on or about October 2023 regarding his pending request. Complainant Brown testified that he did not. However, the respondents' witness testified that a paralegal called complainant Brown to notify him that the respondents continued to work on the request.

every person shall have the right to . . . (3) receive a copy of such records in accordance with section 1-212.

12. 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.”

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

14. It is found that on or about June 25, 2024, the respondents provided the complainants with copies of additional records responsive to the request, consisting of email communications. It is found that the complainants reviewed such records, and that by email dated June 25, 2024, notified the respondents that they believed that all email records had not been provided, and requested an additional search.

15. It is found that by email dated September 9, 2024, the respondents provided additional email communications responsive to the request described in paragraph 2, above. It is found that the respondents also notified the complainants that other responsive records were being withheld from the complainants based upon a claim of exemption from disclosure.

16. At the hearing, the complainants contended that the respondents violated the promptness requirements of §§1-210(a) and 1-212(a), G.S.<sup>3</sup>

17. The Commission has previously opined that the word "promptly" in §1-210, G.S., means "quickly and without undue delay, taking into account all of the factors presented by a particular request . . . [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request." See FOI Commission Advisory Opinion #51 (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

18. It is found that 13 months had transpired before the respondents provided the complainants with copies of all non-exempt records responsive to the request described in paragraph 2, above.

19. At the hearing, the respondents conceded that they violated the promptness requirements of §§1-210(a) and 1-212(a), G.S., but offered extensive testimony from two witnesses who explained the reasons for the delay, including the respondents' initial misunderstanding of the nature of portions of the request; challenges with locating all responsive records; the complex nature of the records at issue, which pertain to allegations of child abuse

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<sup>3</sup> The complainants did not dispute the respondents' contention that certain responsive records were exempt from disclosure. Consequently, consideration of such claim of exemption is not warranted and will not be addressed herein.

and include child psychiatric records, and the interplay of applicable state and federal laws; staffing changes across multiple departments involved in complying with the request; and other pressing agency work that had compounded as a result of the COVID-19 pandemic. The respondents' witnesses also testified extensively regarding the efforts undertaken to mitigate the likelihood that the respondents would fail to comply with the promptness requirements of the FOI Act in the future, including onboarding additional staff, training, and implementing various systems to improve compliance.

20. Based on all of the foregoing, and the respondents' concession referenced in paragraph 19, above, it is found that the respondents did not provide the complainants with copies of all responsive, non-exempt records, promptly.

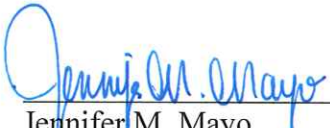
21. It is therefore concluded that the respondents violated the promptness requirements of §§1-210(a) and 1-212(a), G.S.

22. However, because of the remediation efforts undertaken by the respondents, as attested to during the hearing and summarized in paragraph 19, above, the Commission declines to order FOI Act training at this time.

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 requirements of §§1-210(a) and 1-212(a), G.S.<sup>4</sup>

Approved by Order of the Freedom of Information Commission at its regular meeting of May 14, 2025.

  
Jennifer M. Mayo  
Acting Clerk of the Commission

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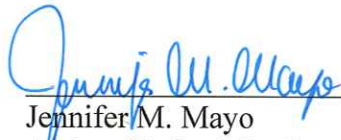
<sup>4</sup> During the hearing, the respondents requested that the Commission decline to issue any order in this case. Although the Commission recognizes the challenges the respondents faced with respect to compliance with the complainants' request, and the respondents' subsequent remediation efforts, by issuing this order, the Commission also recognizes the important public interest in the prompt disclosure of the records at issue in this case.

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:

**ANDREW BROWN AND THE CONNECTICUT MIRROR**, 1049 Asylum Avenue,  
Hartford, CT 06105

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC  
HEALTH; AND STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH**,  
c/o Attorney Kathleen Ross, Department of Public Health, 410 Capitol Avenue, Hartford, CT  
06106



Jennifer M. Mayo  
Acting Clerk of the Commission