

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket # FIC 2024-0818

Edmond B. Mone, First Selectman,  
Selectmen's Office, Town of Thomaston;  
Selectmen's Office, Town of Thomaston;  
and Town of Thomaston

Respondents

November 19, 2025

The above-captioned matter was heard as a contested case on August 15, 2025, at which time the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint.

On August 22, 2025, the complainant submitted an after-filed exhibit, which the undersigned hearing officer admitted into evidence as a full exhibit and marked as follows: “Complainant’s Exhibit B (after-filed): Service invoice from Accucom Consulting, Inc. to the Thomaston Police Department, December 31, 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 email at 2:15 p.m. on November 26, 2024, the complainant requested from the respondents “a copy of the PST file (containing all emails [former town employee] Stacey Sefcik has sent or received from February 2019 to present) that the town mailed to Atty. Byrne on November 14, 2024 (which Atty. Byrne received on November 18, 2024) as part of an FOI Commission order to disclose such emails. See Final Decision in Docket #FIC 2023-0543” (hereinafter, “PST file request”).<sup>1</sup>
3. It is found that, by email at 2:36 p.m. on November 26, 2024, the respondent first selectman informed the complainant that town counsel Attorney Nicole Byrne had communicated to him that she already sent the complainant the information she requested. It is found that the “information” to which the respondent first selectman was referring was Ms. Sefcik’s emails, described in paragraph 2, above.

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<sup>1</sup> PST stands for “personal storage table.” It is a type of data file in Microsoft Outlook, an electronic mail (email) program. PST files (.pst) contain Outlook user messages and other items such as contacts, appointments, tasks, and notes. Users can use .pst files to back up and export their Outlook data to a new computer. See Respondents’ Exhibit 3.

4. It is found that, by email at 2:43 p.m. on November 26, 2024, the respondent first selectman informed the complainant that an IT consultant was brought in to “extract the requested files” and then give them to town counsel’s office for review. It is further found that the respondent first selectman promised to notify the complainant for pick up “[a]s soon as they arrive back in my office.”

5. It is found that, by email on November 27, 2024, the complainant informed the respondent first selectman that on the prior day, November 26, 2024, she had received a flash drive containing 27,295 PDF files; the complainant reiterated that she was seeking a copy of the single PST file that Attorney Nicole Byrne used to create the 27,295 PDF files.<sup>2</sup>

6. It is found that, by email on December 9, 2024, the respondents’ counsel, Attorney Nicole Byrne, denied the complainant’s PST file request. It is further found that Attorney Byrne based such denial on her inability to redact one email contained within the PST file, claiming that such email was exempt from disclosure pursuant to § 1-210(b)(19), G.S. Attorney Byrne also represented in her denial that the respondent town had already provided the remaining, non-exempt contents of the PST file to the complainant in the form of PDF files, as described in paragraph 5, above.

7. By email, filed with and received by the Commission on December 10, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying her request for the PST file. The complainant also requested the imposition of civil penalties against the respondents.

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

“[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.

9. Section 1-210(a), G.S., provides the following 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.

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<sup>2</sup> PDF stands for “portable document format.” A computer file format for the transmission of a multimedia document that is not intended to be edited further and appears unaltered in most computer environments. <https://www.merriam-webster.com/dictionary/pdf>. (Accessed November 8, 2025.)

10. Section 1-211(a), G.S., provides the following in relevant part:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, including an electronic copy sent to the electronic email address of the person making such request, if the agency can reasonably make any such copy or have any such copy made . . . .

11. 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.”

### **Public Record or File**

12. The respondents contended that a PST file is neither a “record” nor a “public record” within the meaning of §1-200(5), G.S. At the hearing, the respondents claimed that a PST file is not a “record” but rather a “method of delivery,” akin to a compact disc or filing cabinet, that contains data. It is found that the respondents’ contention is in direct contravention to their own exhibit, which describes a PST file (.pst) as a data file (see paragraph 2, footnote 1, above). It is found that a data file is not a “method of delivery,” but rather an electronic data format that must be delivered electronically, either via email or some other electronic transport or via portable hardware, such as an electronic storage device (e.g., thumb drive or compact disc). Accordingly, the respondents’ argument in this regard is unavailing.

13. The respondents further contended that, even if a PST file is found to be a record, it is not a public record because the respondents did not “use” it during their ordinary course of business; it does not “relat[e] to the conduct of the public’s business;” and the respondents did not have possession, custody, or control of it, within the meaning of §1-200(5), G.S.

14. It is found that, based on the respondents’ own representation, the data contained in the PST file consists of tens of thousands of emails sent and received by former town employee Stacey Sefcik. It is found that such emails relate to the conduct of the public’s business. It is further found that the respondents did use the data contained in the PST file because the information contained in such emails concerned the business of the respondents’ former employee. (See also Town of Avon v. Sastre, 2022 WL 6421446 at \*3, (Superior Court, Judicial District of New Britain, September 20, 2022), aff’d, 224 Conn. App. 155 (2024), cert. denied, 349 Conn. 905 (2024).)

15. It is found that the respondents, through their counsel, had possession, custody, and control of the PST file. Specifically, it is found that the respondent first selectman retained a third-party information technology consultant to retrieve the emails from Ms. Sefcik’s email

account, and such consultant sent those emails to the respondents' town counsel, Attorney Nicole Byrne.

16. In Londregan v. Freedom of Info. Comm'n, 1994 WL 385951 (Superior Court, Judicial District of New London, July 13, 1994), the city denied a request for copies of legal briefs and other records pertaining to ten cases in which the city was a party litigant and represented by outside counsel. Among other arguments, the city contended that, because it did not have possession of the requested records, it could not be required to comply with the FOI request. Rejecting that argument, the Court reasoned:

The client involved as the real party in interest in all of the requested litigation files is New London. It is well settled that clients are entitled to their files and papers upon payment or funding of security for outstanding fees... New London, therefore, ...is entitled to possession of the files, or at least copies thereof, upon demand. Hence, as [the city's] Director of Law, the plaintiff has the right to obtain possession of said files.

The plaintiff cannot evade the plain mandate of the FOIA by 'farming' the litigation files out to other counsel, as upon request, the plaintiff would be entitled to copies thereof. (Citation omitted.)

17. It is found that, because the respondents are the clients of Attorney Nicole Byrne in the instant matter, the town is entitled to obtain possession of the PST file requested by the complainant.

18. Therefore, it is found that the requested records, albeit in the possession of outside counsel, are "owned," "used," "received," or "maintained" by the respondents within the meaning of §1-200(5), G.S.

19. Additionally, this Commission has consistently concluded that a PST file containing emails is indeed a public record within the meaning of §1-200(5), G.S. See Pepe v. Clerk, City of Hartford, et al., Docket #FIC 2022-0348 (July 26, 2023) (complainant requested emails produced in a .pst format) and Roy v. Town Manager, Town of Enfield, et al., Docket #FIC 2018-0090 (November 7, 2018) (complainant requested emails produced in a PST file and disclosed by way of a Dropbox link).<sup>3</sup>

20. Given the foregoing, it is concluded that the requested record described in paragraph 2, above, is both a record and a public record within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S. Additionally, it is found that the record requested is a record maintained in a computer storage system as contemplated by §1-211(a), G.S.

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<sup>3</sup> Dropbox is a computer application that allows users to create an online account to store, share, and access files, pictures, and videos, as well as scan and upload documents. <https://learn.dropbox.com/self-guided-learning/dropbox-fundamentals-course/how-to-use-dropbox> (Accessed November 8, 2025.)

**Jurisdiction**

21. The respondents further contended that the Commission lacked jurisdiction to hear the instant matter because the complainant's appeal, described in paragraph 7, above, failed to name the proper party as a respondent. The respondents based their argument on the complainant's naming of the "Town of Thomaston" as the respondent on the December 10, 2024 complaint form she filed with the Commission.

22. In Lash v. Freedom of Info. Comm'n, 116 Conn. App. 171, 187-188 (2009), aff'd in part, rev'd in part, 300 Conn. 511 (2011) ("Lash"), the court held that a complainant requesting records from a municipality must make such request to the specific department within the municipality that is thought to maintain the responsive records, given that one municipal department has no duty to maintain the records of another municipal department, even though both departments may be public agencies within the FOI Act.

23. Additionally, the Commission's regulations require appeals to contain, among other information, the proper legal name of the specific public agency that allegedly violated the FOI Act and such agency's mailing address and telephone number ("contact information"). See Regs. Conn. State Agencies, §1-21j-28.

24. It is found that the Commission initially declined to docket the complainant's appeal because the appeal did not meet the specificity required for the named respondent under Lash and failed to provide the proper respondent contact information. It is further found that, on January 2, 2025, in accordance with its ordinary practice, the Commission contacted the complainant by letter to inform her of the missing information and informed her that she could provide supplemental information.

25. It is found that, on January 28, 2025, the complainant provided supplemental information to the Commission. It is found that the complainant's response was inadequate because it again named only the Town of Thomaston as the respondent and provided the town's general mailing address and main telephone number; however, the complainant's response also named the first selectman, land use administrator, and town attorneys as the recipients of her underlying records request.

26. It is found that, on February 10, 2025, the Commission again contacted the complainant by letter to inform her that her appeal could not be docketed against the Town of Thomaston as a whole and informed her that she could provide contact information for the individuals to whom she submitted her records request at issue.

27. It is found that, on February 13, 2025, the complainant provided supplemental information to the Commission. It is found that this time the complainant's response was sufficient, as she named two respondents whom she alleged violated the FOI Act and provided their contact information: First Selectman Edmond Mone and Land Use Administrator Tony (Jeton) Adili.

28. It is found that, after receiving the complainant's response described in paragraph 27, above, the Commission in its discretion docketed the complainant's complaint as two separate

matters in accordance with Lash; the instant matter, Docket #FIC 2024-0818, Nancy Griswold v. Edmond B. Mone, First Selectman, Selectmen's Office, Town of Thomaston, et al.; and Docket #FIC 2025-0118, Nancy Griswold v. Jeton Adili, Land Use Administrator, Land Use Department, Town of Thomaston, et al.<sup>4</sup>

29. Our Supreme Court has made clear that, “[a]s a practical matter, the FOIA is used repeatedly by members of the public who are unschooled in technical, legalistic language distinctions” and that, in light of the public policy expressed by the FOI Act, the act should be construed so as to avoid overly formal and legalistic requirements. Perkins v. Freedom of Info. Comm’n, 228 Conn. 158, 167 (1993).

30. In this case, it is found that it would be unreasonable to deny the complainant access to the requested record simply because her complaint did not initially specify the public agency or agencies within the respondent town to which she submitted the underlying records request. It is further found that it was reasonable for the Commission, in its discretion, to allow the complainant to supplement her complaint by naming such specific agencies, as described in paragraphs 24 to 28, above.

31. Accordingly, it is concluded that the complainant’s need to correct discrepancies in her complaint, namely by identifying the proper respondents within the respondent town, did not deprive the Commission of subject matter jurisdiction over the instant matter.

### **Duplicative Disclosure**

32. It is found that the respondents repeatedly contended, both in their pre-hearing correspondence with the complainant and at the contested case hearing, that they were not obligated to disclose the PST file to the complainant because they had already previously disclosed to her PDF files containing identical emails, with the exception of one email that the respondents claimed was exempt from disclosure pursuant to §1-210(b)(19), G.S.<sup>5</sup>

33. It is found that the respondents’ counsel maintained the requested emails in a PST file at the time of the request at issue, described in paragraph 2, above. It is found that such PST file format constituted the native format of the requested emails. It is further found that the respondents decided subsequently to convert the PST file to separate PDF files on their own accord, as described in paragraphs 5 and 6, above, prior to providing them to the complainant on November 26, 2024.

34. Ordering the disclosure of a computer-stored record in its native format is not without precedent. In Lasser v. Finance Director, Town of Brookfield, et al., Docket #FIC 2020-0153 (February 24, 2021), the Commission ordered the respondents to disclose an Excel file in

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<sup>4</sup> The complainant subsequently withdrew her complaint in Docket #FIC 2025-0118 on May 28, 2025.

<sup>5</sup> See paragraphs 38 to 45, below, regarding the respondents’ claimed exemption to disclosure pursuant to §1-210(b)(19), G.S.

its native format as requested by the complainant.<sup>6</sup> Likewise, in Slate v. First Selectman, Town of Westport, et al., Docket #FIC 2016-734 (June 22, 20216), the Commission ordered the respondents to disclose a Microsoft Word document in its native format (.docx) as requested by the complainant.<sup>7</sup>

35. “There is an ‘overarching policy’ underlying the Freedom of Information Act (FOIA) favoring the disclosure of public records. Our construction of the FOIA must be guided by the policy favoring disclosure and exemptions to disclosure must be narrowly construed.” Superintendent of Police of City of Bridgeport v. Freedom of Info. Comm’n, 222 Conn. 621, 626 (1992). It is found that the release of the requested PST file in this instance is in keeping with the policy of the FOI Act and requires no additional effort by the respondents to convert or otherwise manipulate the requested file.

36. Our Supreme Court also acknowledged the Commission’s authority to order that records be released in a particular format, when it wrote, “We agree with the proposition that, under some circumstances, the Commission has the discretion to redact exempt information from otherwise public records requested pursuant to the [FOI A]ct, and that it can order a party to produce computerized nonexempt records in a format other than the format in which they are maintained by the public agency.” Pictometry International Corporation v. Freedom of Info. Comm’n, 307 Conn. 648, 663 (2013). Therefore, it stands to reason that the Commission can order computerized records to be disclosed in the same format in which they are maintained.

37. Accordingly, it is found that the respondents’ argument that their disclosure of the PST file to the complainant would be duplicative of their prior PDF disclosures, and that such disclosure of a computer-stored record in its native format is not required under the FOI Act, is unavailing.

### **Exemption under §1-210(b)(19), G.S.**

38. It is found that, in both their pre-hearing correspondence with the complainant and at the contested case hearing in this matter, the respondents claimed that it was not technologically possible for them to redact one email from the PST file for which they claimed an exemption to disclosure under §1-210(b)(19), G.S. The respondents further claimed that their inability to redact a single email from the PST file made it impossible to provide the file in its entirety to the complainant.

39. It is found that respondents’ counsel, Attorney Nicole Byrne, was personally unable to redact from the PST file the single email for which the respondents claimed an exemption to disclosure pursuant to §1-210(b)(19), G.S. It is further found, however, that the respondents did

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<sup>6</sup> Microsoft Excel is a spreadsheet program that allows users to create and format workbooks to analyze data. Some key features include data analysis, charts, visuals, formulas and functions, and data filtering. <https://learn.microsoft.com/en-us/search/?terms=Excel> (Accessed November 8, 2025.)

<sup>7</sup> Microsoft Word is a word processing program that allows users to create documents containing text, images, art, and videos. <https://support.microsoft.com/en-us/office/create-a-document-in-word-aafc163a-3a06-45a9-b451-cb7250dcbaa1> (Accessed November 8, 2025.)

not provide any evidence that they attempted to contact their IT consultant to determine whether the consultant had the expertise to make such redaction.

40. Therefore, it is found that the respondents failed to prove that they were unable to “reasonably make any such copy or have any such copy made” of the computer-stored PST file, redacted to reflect their claimed exemption, within the meaning of §1-211(a), G.S.

41. Regarding the respondents’ claimed statutory exemption to disclosure, §1-210(b)(19), G.S., provides that “[n]othing in the [FOI] Act shall be construed to require disclosure of” the following:

Records where there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined (A)... (ii) by the Commissioner of Emergency Services and Public Protection, after consultation with the chief executive officer of a municipal, district or regional agency, with respect to records concerning such agency.... As used in this section, .... “chief executive officer” includes, but is not limited to, an agency head, department head, executive director or chief executive officer.

42. It is found that the respondents did not provide evidence that they had secured a determination from the Commission of Emergency Services and Public Protection, after consultation with the respondent first selectman, that disclosure of the purportedly exempt email “may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility” within the meaning of §1-210(b)(19), G.S.

43. Moreover, it is found that the respondents’ position that one email in the PST file is exempt under §1-210(b)(19), G.S., because it contains “personal health information belonging to a resident of Thomaston” is a misunderstanding at best, or a misrepresentation at worst, of the purpose of the exemption, described in paragraph 41, above.

44. Accordingly, it is concluded that the respondents failed to prove that the requested PST file is exempt in part, and thus in whole, from disclosure pursuant to §1-210(b)(19), G.S.

45. It is further concluded, given all of the aforementioned findings, that the respondents violated the FOI Act when they refused to disclose the requested PST file to the complainant in its entirety.

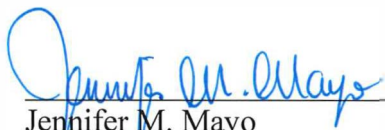
46. The Commission, in its discretion, declines to impose civil penalties on the respondents.



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

1. Forthwith, the respondents shall provide an unredacted copy of the requested PST file to the complainant, free of charge.
2. Henceforth, the respondents shall strictly comply with the disclosure requirements of §§1-210(a), 1-211(a), and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 19, 2025.

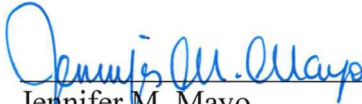
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**NANCY GRISWOLD**, 24 Atwood Road, Thomaston, CT 06787

**EDMOND V. MONE, FIRST SELECTMAN, SELECTMEN'S OFFICE, TOWN OF THOMASTON; SELECTMAN'S OFFICE, TOWN OF THOMASTON; AND TOWN OF THOMASTON**, c/o Attorney Steven E. Byrne and Attorney Nicole L. Byrne, Byrne & Byrne LLC, 1730 New Britain Ave., P.O. Box 1065, Farmington, CT 06034

  
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Jennifer M. Mayo  
Acting Clerk of the Commission