

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Masci,

Complainant

against

Docket # FIC 2025-0877

First Selectman, Town of East Haddam; and
Town of East Haddam,

Respondents

August 12, 2026

The above-captioned matter was heard as a contested case on May 1, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

The respondents submitted a post-hearing supplemental brief dated May 29, 2026, and received by the Commission on June 1, 2026.

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 July 10, 2025, the complainant requested the following records:

I am requesting an opportunity to obtain or view video footage from all interior and exterior video surveillance cameras at the Department of Public Works [“DPW”] garage, located at 7 Hood Lane. Please provide footage from all cameras for the following:

Monday, June 23	5:45 A.M. through 4:15 P.M.
Tuesday, June 24	5:45 A.M. through 4:15 P.M.
Wednesday, June 25	5:45 A.M. through 4:15 P.M.
Thursday, June 26	5:45 A.M. through 4:15 P.M.
Monday, June 30	5:45 A.M. through 4:15 P.M.
Tuesday, July 1	5:45 A.M. through 4:15 P.M.
Wednesday, July 2	5:45 A.M. through 4:15 P.M.
Monday, July 7	5:45 A.M. through 4:15 P.M.

3. It is found that, on July 10, 2025, the respondents' Executive Manager forwarded the complainant's request to Haddam's Director of Public Works as well as the Information Technology ("IT") Director and stated "I don't know anything about these cameras so do not know if this request is possible. . . [Director of Public Works] – not sure if this is something you can do or if it [is] an IT function."

4. It is found that the IT Director replied to the email described in paragraph 3, above, on July 10, 2025, stating that the Director of Public Works "should have the logins."

5. It is found that, by email dated July 10, 2025, the Director of Public Works advised the Executive Manager, IT Director and First Selectman that she could review the request the following week when she returned to the office.

6. It is found that, on July 14, 2025, the respondents acknowledged the complainant's July 10, 2025 request and stated that they would notify him "of the availability of any responsive non-exempt records as requested upon the completion of its review."

7. It is found that, by email dated July 29, 2025, the Director of Public Works emailed the Executive Manager, IT Director, and the First Selectman and stated "I have mulled over the camera footage and tried so many times to get the footage requested but unfortunately it doesn't exist. . . I am not an IT professional but I am tech savvy enough and have used the system to pull videos in the past but I have done them right away after the incident not dated back previously. . .".

8. It is found that, by email dated July 29, 2025, the IT Director replied to the email described in paragraph 7, above, and stated "the furthest I can go back is [July 7] the other requested dates are outside of the recording schedule as we do not have enough video storage to go beyond about 24 days. . .".

9. It is found that, by email dated August 22, 2025, the respondents stated to the complainant that "[t]hey were in the process of downloading the footage that was available onto a laptop for [the complainant] to view at Public Works during regular business hours. Public Works has a laptop that they are downloading the footage that [the IT Director] was able to obtain for [the complainant to] review. We can book a date for [the complainant] to review the footage during Public Works operating hours of 7 am – 2:30 pm, Monday – Thursday once all the footage has been downloaded. . .".

10. It is found that, by email dated September 8, 2025, the respondents informed the complainant that the only footage they were able to download was from July 7, 2025.

11. By complaint dated September 25, 2025, and received and filed September 29, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records described in paragraph 2, above, and restricting when the complainant could view the requested video footage.

12. 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.

13. 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 (1) inspect such records promptly during regular office or business hours ...or (3) receive a copy of such records in accordance with section 1-212.

14. 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.”

15. It is concluded that the requested video footage is a public record within the meaning of §§1-200(5) and 1-210(a), G.S.

16. At the contested case hearing on this matter, the complainant contended that the respondents moved too slowly to preserve the requested video footage and ultimately it was overwritten. The respondents contended that they acted promptly and provided video footage they were able to preserve.

17. It is found that the respondents’ video system automatically overwrites video every 24 days. Therefore, as of the date of the July 10, 2025 request in this matter, the respondents maintained video footage dating back to June 16, 2025.

18. It is found, however, that the Director of Public Works was out of the office from July 10, the date of the request, until July 14, 2025.

19. It is found that, on July 29, 2025, when the Director of Public Works realized she did not have the ability to download the video, she requested the assistance of the IT Director.

20. The IT Director testified, and it is found, that on July 29, 2025, he worked on preserving video and first had to research how to extract video from the respondents’ video recording system; but that he was eventually able to preserve the last of the complainant’s requested days of video, July 7, 2025.

21. It is found, as it relates to the video preserved from July 7, 2025, the respondents offered the complainant an opportunity to inspect the video, but the complainant declined. At the hearing, the complainant contended that he wanted to inspect the requested video recordings in totality and that one video on its own would not provide the information he was looking for and that it therefore did not satisfy his request.

22. Notwithstanding the complainant's reasoning, described in paragraph 21, above, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request for the July 7, 2025 video.

23. With respect to the overwritten video footage of the other dates requested by the complainant, the respondents argued in their post-hearing brief that they acted reasonably, diligently, and without undue delay under the facts and circumstances of the request. The respondents further argued that during a portion of the time prior to the deletion of the video footage, the Director of Public Works was unavailable due to illness.

24. The respondents' arguments are unavailing. It is found that at the time of the complainant's request, the respondents maintained the requested records but failed to take steps to retrieve the responsive video footage until July 29, 2025, at the earliest.

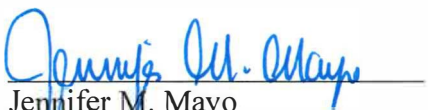
25. The respondents also argued in their post-hearing brief that the town was not aware of the surveillance system's automatic cycle to overwrite video and that the complainant did not communicate any time-sensitivity to his request. It is the respondents' duty, however, to respond to requests "promptly" and "without delay." The fact that the respondents were unaware of how quickly the requested video footage would be overwritten is similarly unavailing.

26. It is found that had the respondents taken steps to promptly comply with the request, described in paragraph 2, above, the requested video footage would not have been overwritten. It is found that the respondents' delay in retrieving the requested video records resulted in the denial of access to 7 out of the 8 recordings requested. Accordingly, it is concluded that the respondents violated §§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 disclosure requirements of §§1-210(a) and 1-212(b), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 12, 2026.

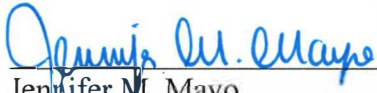

Jennifer M. Mayo
Acting Clerk of the Commission

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:

MICHAEL MASCI, 51 Davison Road, PO Box 611, Moodus, CT 06469

FIRST SELECTMAN, TOWN OF EAST HADDAM; AND TOWN OF EAST HADDAM,
c/o Attorney Kyle A. McClain, Zangari Cohn Cuthbertson Duhl & Grello P.C., 750 Main Street,
Suite 902, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission