

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Twig Holland,

Complainant

against

Docket #FIC 2025-0105

Director, Human Resources Department,  
Town of Fairfield; Human Resources  
Department, Town of Fairfield; and Town  
of Fairfield,

Respondents

February 11, 2026

The above-captioned matter was heard as a contested case on July 23, 2025, at which time the complainant 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, by internet request form dated January 21, 2025, the complainant requested copies of the following records from the respondents:
  - (a) “Names of all Town of Fairfield retirees who were paid and/or reimbursed by the Town of Fairfield for any and all insurance premiums, including Medicare and/or Anthem, for the years 2012 to 2023. Please redact any identifying data, such as addresses, social security numbers, etc.”;
  - (b) “The amount(s) per month for each year, for the years 2012 to 2024, of any and all payments, itemized per individual listed in item one.”;
  - (c) “Copies of all written correspondence – to include emails, memoranda, letters and/or notes of telephone conversations – between all individuals and all Town of Fairfield current and former employees related to reimbursements for any and all insurance premiums noted in items one and two. This would include all current and former Town of Fairfield employees in all Town departments (Human Resources, Finance, First Selectman’s office, etc.) and would include all

requests/applications for reimbursement and all supporting documents.”; and

- (d) “Copies of all written correspondence – to include emails, memoranda, letters, and/or notes of telephone conversations – between any and all current and former Town of Fairfield employees (as noted in item three), any and all representatives of health insurers / health insurance companies, and any and all health insurance administration companies conducting business with and/or on behalf of the Town of Fairfield, regarding any and all negotiation of plan benefits, plan changes, payment and/or reimbursement of medical insurance premiums to any and all Town of Fairfield retirees.”

3. By letter of complaint, dated and filed February 18, 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.

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 ... (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 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 the respondents had provided her with five batches of records responsive to her request described in paragraph 2,

above, and that the only remaining issue before this Commission is the redactions made to certain responsive records.

9. The respondents argued that all of the redacted information consists of attorney-client communications, which are exempt from disclosure pursuant to the attorney-client privilege.

10. On August 11, 2025, pursuant to an order of the undersigned hearing officer, the respondents submitted to the Commission unredacted copies of the records still at issue between the parties, as described in paragraphs 8 and 9, above, for an in camera inspection, along with an in camera index. Such records shall be identified hereinafter as IC-2025-0105-1 through IC-2025-0105-22.

11. On the in camera index, the respondents contended that the information redacted from the in camera records is exempt from disclosure pursuant to §1-210(b)(10), G.S.

12. Section 1-210(b)(10), G.S., permits a public agency to withhold from disclosure records of “communications privileged by the attorney-client relationship.”

13. The applicability of the exemption contained in §1-210(b)(10), G.S., is governed by established Connecticut law defining the privilege. That law is well set forth in Maxwell v. FOI Comm’n, 260 Conn. 143 (2002). In that case, the Supreme Court stated that §52-146r, G.S., which established a statutory privilege for communications between public agencies and their attorneys, merely codifies “the common-law attorney-client privilege as this court previously had defined it.” Id. at 149.

14. Section 52-146r(a)(2), G.S., defines “confidential communications” as:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice. . . .

15. The Supreme Court has also stated that “both the common-law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client, and relate to legal advice sought by the agency from the attorney.” Maxwell at 149.

16. The Commission recognizes that “[w]here legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by

himself or by the legal adviser, except the protection be waived.” Rienzo v. Santangelo, 160 Conn. 391, 395 (1971); see also Olson v. Accessory Controls & Equipment Corp., 254 Conn. 145, 159, 757 A.2d 14 (2000). Moreover, in Connecticut, “the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice. . . . The privilege fosters full and frank communications between attorneys and their clients and thereby promote[s] the broader public interests in the observation of law and [the] administration of justice.” PSE Consulting, Inc. v. Frank Mercede & Sons, Inc., 267 Conn. 279, 329-30 (2004). However, the privilege only applies when necessary to achieve its purpose; it is not a blanket privilege. Harrington v. FOI Comm’n, 323 Conn. 1, 12 (2016).

17. With regard to claims of privilege involving records, “[t]he privilege must be established for ‘each document separately considered’ and must be narrowly applied and strictly construed.” Id. at 342-43. However, if it is clear from the face of the records, extrinsic evidence is not always required to prove the existence of the attorney-client privilege. Lash v. FOI Comm’n, 300 Conn. 511, 516 (2011).

18. The Commission has routinely found, and the courts have agreed, that certain information, such as the identity of a client or when meetings occurred and with whom, is not protected by the attorney-client privilege. In the context of an attorney’s billing records, for example, the Commission notes that it is generally accepted that attorney billing statements and time records are protected by the attorney-client privilege *only to* the extent that they reveal litigation strategy and/or the nature of the services performed. See Bruno v. Bruno, FA0540049006S, 2009 WL 2451005, at \*2 (Conn. Super. Ct. July 10, 2009). “[T]he identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected from disclosure by the attorney-client privilege.... However, . . . bills . . . and time records which also reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law, fall within the privilege.” Id. at \*2. In Bruno, the court said that “[m]ost of the billing records of Cohen & Wolf, P.C., in question merely refer to conferences with client or e-mails to and from client or others as well as appearances at hearings. None of that information falls within the attorney-client privilege.” Id. at \*3. In City of New Haven v. FOIC, et al., 4 Conn. App. 216, 220 (1985), the trial court found, after conducting an in camera review of the billing records, that there was nothing in such records to suggest they came within the purview of the attorney-client privilege. “Questions as to where and when a client had conversations with his attorney have been found not to be within the attorney-client privilege . . . nor have questions propounded to an attorney seeking the client’s name and the capacity in which the attorney was employed been held to fall within the attorney-client privilege.” Id. at 220.

19. Based upon a careful inspection of the in camera records identified in paragraph 10, above, it is found that: such in camera records consist of email communications between employees of the respondent agency and the respondents’ legal counsel; the attorneys were acting in their official capacity as legal counsel to the public agency; the emails relate to legal advice sought by the public agency from the attorney; and the communications were made in

confidence. It is also found that no evidence was provided by the complainant to rebut the presumption that such communications were made in confidence. See Blumenthal v. Kimber Mfg., Inc., 265 Conn. 1, 15 (2003). It is further found, based upon a careful inspection of the in camera records, that the following portions of such in camera records are confidential attorney-client communications within the meaning of §52-146r(a)(2), G.S.:

IC-2025-0105-1 (lines 6 and 15 through 28);  
IC-2025-0105-5 (lines 8 and 10 through 23);  
IC-2025-0105-6 (lines 7 through 8);  
IC-2025-0105-8 (lines 8 through 13);  
IC-2025-0105-9 (lines 8 through 11 and 13 through 14);  
IC-2025-0105-10 (lines 6 through 7, 30, and 32 through 38);  
IC-2025-0105-11 (lines 7 through 8, 10 through 14, and 30 through 31);  
IC-2025-0105-12 (lines 6 through 7, 27, and 29 through 39);  
IC-2025-0105-13; (all);  
IC-2025-0105-14 (lines 1 through 5 and 14 through 15);  
IC-2025-0105-15 (lines 8 through 11 and 13 through 14<sup>1</sup>);  
IC-2025-0105-19 (lines 7 through 10);  
IC-2025-0105-20 (lines 6 through 8, 13, 15 through 18, 27, and 29 through 34);  
IC-2025-0105-21 (lines 2 and 4 through 40); and  
IC-2025-0105-22 (lines 1 through 21 and 30 through 31).

20. It is therefore concluded that the portions of the in camera records identified in paragraph 19, above, constitute records of communications protected by the attorney-client privilege, within the meaning of §1-210(b)(10), G.S. Accordingly, it is further concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by not disclosing to the complainant such portions of the in camera records.

21. Based upon a careful inspection of the in camera records identified in paragraph 10, above, it is concluded that the remaining portions of such in camera records claimed to be exempt from disclosure pursuant to §1-210(b)(10), G.S., consist of information not within the purview of the attorney-client privilege, as set forth in §1-210(b)(10), G.S. Accordingly, it is further concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by not disclosing to the complainant such portions of the in camera records.<sup>2</sup>

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

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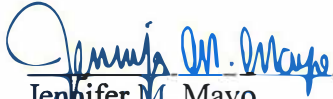
<sup>1</sup> It is found that, although IC-2025-0105-15 (lines 13 through 14) were not claimed to be exempt from disclosure on the in camera index, such information was highlighted on the in camera records. It is also found that such information consists of confidential communications within the meaning of §52-146r(a)(2), G.S.

<sup>2</sup> It is found that, although IC-2025-0105-5 (line 1), IC-2025-0105-6 (line 6), and IC-2025-0105-14 (line 12) were not claimed to be exempt from disclosure on the in camera index, such information was highlighted on the in camera records. It is also found that such information does not consist of confidential communications within the meaning of §52-146r(a)(2), G.S. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., to the extent that such information was withheld from the complainant.

1. Forthwith, the respondents shall provide to the complainant a copy of the in camera records, free of charge, with those portions identified in paragraph 21, above, unredacted.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of February 11, 2026 .

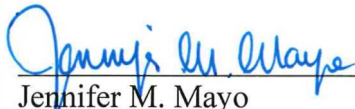
  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**TWIG HOLLAND**, 2 Gulfview Court, Milford, CT 06460

**DIRECTOR, HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD;  
HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD; AND TOWN OF  
FAIRFIELD**, c/o Attorney Philip C. Pires, Cohen and Wolf, P.C., 1115 Broad Street,  
Bridgeport, CT 06604



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Jennifer M. Mayo  
Acting Clerk of the Commission