

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Freesia Waldron,

Complainant

against

Docket #FIC 2025-0155

John Day, Acting Chief Public
Defender, State of Connecticut,
Office of Chief Public Defender;
State of Connecticut, Office
of Chief Public Defender; and
Margaret Castinado,

Respondents

February 25, 2026

The above-captioned matter was heard as a contested case on July 1, 2025¹ and September 4, 2025, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

Prior to the July 1, 2025 hearing, Attorney Margaret Castinado, an employee for the respondent agency, filed a motion to intervene in this matter. Because Attorney Castinado is the subject of many of the records at issue in this matter, such motion was granted by the hearing officer. The case caption has been amended to reflect that Attorney Castinado is a party respondent. However, Attorney Castinado did not appear at either contested case hearing on this matter.

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 dated January 30, 2025, the complainant requested that the respondents provide her with the opportunity to inspect or obtain copies of public records that pertain to paid leave received by Attorney Castinado, including, but not limited to:

¹ During the first hearing on this matter, the Commission's recording equipment malfunctioned. The hearing officer necessarily adjourned the hearing and continued the matter to a later date.

- a. Attorney Castinado's paycheck history.
- b. Any emails concerning Attorney Castinado calling out of work for the day, including, but not limited to:
 - (i) Emails between Attorney Castinado and other employees regarding her calling out of work and/or absence from work;
 - (ii) Interoffice emails regarding case coverage for Attorney Castinado, including both individual case files and Attorney Castinado's arraignment weeks;
 - (iii) Interoffice emails informing the office that Attorney Castinado will be out for the day;
 - (iv) Interoffice emails concerning the redistribution of Attorney Castinado's individual clients to other attorneys in the office when she was reassigned to an arraignments-only schedule; and
 - (v) Information on accrual of sick and vacation time for all employees of the Division of Public Defender Services, including an explanation of how many hours each employee may accrue based on their seniority and limitations on the number of hours.

The complainant also requested the opportunity to inspect or obtain copies of her own paycheck history, from the first paycheck in which a deduction was taken out for a short-term disability premium, continuing through periods during which she did not receive a paycheck because she was out of accruals, through the date of the request.

3. It is found that, by email dated January 31, 2025, the respondents acknowledged the complainant's request.

4. By email dated March 3, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her "request for access to public records that pertain to paid leave received by [the intervenor] and [the complainant's] own paid and unpaid leave."

5. 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.

6. 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.

7. 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.”

8. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearings on this matter, although the complainant acknowledged that she had received records responsive to the request described in paragraph 2, above, she challenged the adequacy of the respondents’ search for and their provision of responsive records.

10. At the continued hearing on this matter, the respondents called one witness, the respondents’ FOI Officer.² The FOI Officer testified, and it is found, that on March 5, 2025, and August 28, 2025, the respondents provided the complainant with over 500 pages of responsive records, with certain redactions. It is further found that the August disclosure was provided in two “packets”, one containing responsive sent emails, and the other containing responsive received emails, of Attorney Castinado.³

11. At the hearings on this matter, the respondents contended that they provided the complainant with all responsive records.

12. The FOI Officer testified, and it is found, that the March 5th disclosure included all records responsive to the request described in paragraphs 2(a) and 2(b)(v), above, as well as responsive to the complainant’s request for her own paycheck history. Based on the credible testimony of the FOI Officer, it is found that the respondents conducted a reasonable and diligent search and provided the complainant with copies of all records responsive to such portions of the request. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to such portions of the complainant’s request.

² The respondents FOI Officer is also Legal Counsel and Director for the Public Defenders’ Services, the Public Defenders’ Services Commission and the Office of the Public Defender.

³ The Commission notes that the complainant does not challenge the redactions made to such records.

13. With respect to the remainder of the request, described in paragraph 2(b)(i) through (iv), above, the FOI Officer credibly testified, and it is found, that upon receipt of the complainant's request, the respondents notified Attorney Castinado of such request, and also forwarded the request to the head of Information Technology ("IT") for the respondent agency, who generally has access to all the respondent agency's emails. It is found, however, that the head of IT initially had technical difficulties accessing the requested emails at that time.

14. It is found that, between March 3, 2025, and July 1, 2025, the parties engaged in 4-6 phone calls regarding the scope of the request described in paragraph 2(b)(i) through (iv), above. It is further found that, the respondents conveyed to the complainant during such calls that the review of the responsive records "was going to take some time."

15. The FOI Officer testified, and it is found, that the respondents were also prompted to contact the complainant, as described in paragraph 14, above, because the complainant did not specify a time period within the request described in paragraph 2(b)(i) through (iv), above, and because of the IT Department's ongoing difficulty with accessing responsive records, as referenced in paragraph 13, above.

16. At the continued hearing on this matter, the respondents contended that during the phone conversations described above, the complainant indicated that she was not requesting emails to or from employees of the respondents' Human Resources Department and was only requesting records from "people in the office".⁴ The respondents' further argued that during such conversations, the complainant limited the time-period of her request to January 2024 through January 2025 as to items (i) through (iv) of paragraph 2(b), above. At the continued hearing, the complainant agreed, and therefore it is found, that she limited the time-period of her request to January 2024 through January 2025 as to items (i) through (iv) of paragraph 2(b), above. However, the complainant testified that she did not limit her request to exclude emails to or from employees of the respondents' Human Resources Department.

17. Due to the conflicting testimony described in paragraph 15, above, it is not clear whether the complainant limited the scope of her request. Under the facts and circumstances herein, the Commission finds in favor of the complainant, and therefore, that the complainant did not limit the scope of her request to exclude the employees of the respondents' Human Resources Department.

18. It is further found that, following the phone calls with the complainant that were already described herein, the respondents' FOI Officer directed the head of IT to conduct a refined search.⁵ It is found that, as a result of the refined search, the FOI Officer gained access to a digital mailbox containing all of the records located and that were responsive to items (i)

⁴ The Commission notes that the respondents submitted into evidence a separate April 2025 request from the complainant to the respondents in support of the respondents' contention that the complainant intended to limit the scope of her request in this matter to exclude emails to and from the employees of the respondents' Human Resources Department.

⁵ The Commission notes that the search was amended to limit the time period and scope of employees in accordance with the respondents' understanding of their conversations with the complainant. It is not clear from the record, however, how the prior technical difficulties were resolved.

through (iv) of paragraph 2(b), above, within the narrowed timeframe, and which excluded emails to or from employees of the respondents' Human Resources Department. It is found that the FOI Officer thereafter reviewed each of the responsive records, line-by-line, and created a digital "FOI Response Category", which contained the records that were ultimately provided to the complainant, with some redactions, on August 28, 2025.

19. It is concluded that, by limiting the search to exclude responsive records that were to and from all employees of the respondents, including those employees of the respondents' Human Resources Department, the respondents failed to provide all records responsive to the complainant's request described in paragraph 2(b)(i) through (iv), above.

20. At the hearings on this matter, the respondents also represented that they withheld Attorney Castinado's entire personnel file, apparently on the basis that it may also contain records responsive to the request in paragraph 2(b)(i) through (iv), above, and on the grounds that disclosure thereof would constitute an invasion of Attorney Castinado's personal privacy, pursuant to §1-210(b)(2), G.S.

21. Based upon the respondents' representations, and the possibility that additional records responsive to the complainant's request, described in paragraph 2(b)(i) through (iv), above, may be contained in Attorney Castinado's personnel file, the Commission will consider the respondents' arguments with respect to invasion of privacy, below.

22. At the continued hearing on this matter, the respondents maintained that they are prohibited from disclosing any records in Attorney Castinado's personnel file due to Attorney Castinado's objection under §1-214(c), G.S.

23. Section 1-210(b)(2), G.S., provides that disclosure is not required of "[p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy."

24. Section 1-214, G.S., provides, in relevant part, that:

(b)(1) Whenever a public agency receives a request to inspect or copy records contained in any of its employees' personnel or medical files and similar files and the agency reasonably believes that the disclosure of such records would legally constitute an invasion of privacy, the agency shall immediately notify in writing (A) each employee concerned....

(b)(2) Whenever a public agency receives a request to inspect or copy records contained in any of its employees' personnel or medical files and similar files, and the agency reasonably believes that the disclosure of such records would not legally constitute an invasion of privacy, the agency shall first disclose the requested records to the person making the request to inspect or copy such records

and subsequently, within a reasonable time after such disclosure, make a reasonable attempt to send a written or an electronic copy of the request to inspect or copy such records, if applicable, or a brief description of such request, to each employee concerned and the collective bargaining representative, if any, of each employee concerned.

(b)(3) Nothing in this section shall require an agency to withhold from disclosure the contents of personnel or medical files and similar files when it does not reasonably believe that such disclosure would legally constitute an invasion of personal privacy.

(c) A public agency which has provided notice under subdivision (1) of subsection (b) of this section shall disclose the records requested unless it receives a written objection from the employee concerned or the employee's collective bargaining representative, if any, within seven business days from the receipt by the employee or such collective bargaining representative of the notice or, if there is no evidence of receipt of written notice, not later than nine business days from the date the notice is actually mailed, sent, posted or otherwise given. Each objection filed under this subsection shall be on a form prescribed by the public agency, which shall consist of a statement to be signed by the employee or the employee's collective bargaining representative, under the penalties of false statement, that to the best of his knowledge, information and belief there is good ground to support it and that the objection is not interposed for delay. Upon the filing of an objection as provided in this subsection, the agency shall not disclose the requested records unless ordered to do so by the Freedom of Information Commission pursuant to section 1-206. Failure to comply with a request to inspect or copy records under this section shall constitute a denial for the purposes of section 1-206. Notwithstanding any provision of this subsection or subsection (b) of section 1-206 to the contrary, if an employee's collective bargaining representative files a written objection under this subsection, the employee may subsequently approve the disclosure of the records requested by submitting a written notice to the public agency.

25. As referenced in paragraph 13, above, it is found that, by letter dated February 4, 2025, the respondents notified Attorney Castinado of the complainant's request, pursuant to §1-214(b)(1), G.S. It is found that Attorney Castinado provided a written objection "to the

disclosure of any records, documents or information contained within my personnel files retained or maintained by” the respondents, dated February 13, 2025, pursuant to §1-214(c), G.S.

26. It is found that, by email dated March 2, 2025, the respondents notified the complainant of Attorney Castinado’s objection “to the release of the requested information in her personnel file” and that they were therefore “required to deny [the] request” pursuant to §1-214(b)(1), G.S.

27. It is found that the respondents did not review the records contained in Attorney Castinado’s personnel file upon receipt of the complainant’s request to determine whether it contained any responsive records or to ascertain whether, if there were any records, they maintained a reasonable belief as to whether disclosure of such records would legally constitute an invasion of her privacy, prior to notifying Attorney Castinado of the complainant’s request and offering her the opportunity to object to such disclosure.

28. Based upon the foregoing it is concluded that the respondents violated the provisions of §§1-214(b)(1), (2) and (3), G.S.

29. Moreover, to prove the applicability of the invasion of privacy exemption under §1-210(b)(2), G.S., the claimant must first establish that the files in question are personnel or medical or similar files. Second, the claimant must show that disclosure of the records would constitute an invasion of personal privacy, by establishing both of two elements: (1) the information sought does not pertain to a legitimate matter of public concern; and (2) disclosure of such information would be highly offensive to a reasonable person. See Perkins v. Freedom of Information Commission, 228 Conn. 158, 175 (1993).

30. In Perkins the court noted that “disclosures relating to the employees of public agencies are presumptively legitimate matters of public concern.” Perkins at 174. In addition, the court stated “that when a person accepts public employment, he or she becomes a servant of and accountable to the public. As a result, that person’s reasonable expectation of privacy is diminished The public has a right to know not only who their public employees are, but also when their public employees are and are not performing their duties.” Id. at 177.

31. To the extent records responsive to the complainant’s request are contained in Attorney Castinado’s personnel file, such records constitute personnel files within the meaning of §1-210(b)(2), G.S.; however, the respondents proffered no evidence with respect to why disclosure of any additional responsive records, if they exist, and are contained in Attorney Castinado’s personnel file, would constitute an invasion of personal privacy.

32. It is therefore concluded that the respondents failed to prove, to the extent that any additional records responsive to the complainant’s request in paragraph 2(b)(i) through (iv), above, may be contained in Attorney Castinado’s personnel file, would legally constitute an invasion of privacy, within the meaning of §1-210(b)(2), G.S.

33. Accordingly, it is concluded that the respondents violated the FOI Act by failing to provide all records responsive to the complainant’s request in paragraph 2(b)(i) through (iv), above, including records to and from the employees within the respondents’ Human Resources


Department, and any additional records that may be maintained in Attorney Castinado's personnel file, to the complainant, as requested.

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

1. Within 45 days of the date of the Notice of Final Decision in this matter, the respondents shall perform a diligent and thorough search for all records responsive to the request in paragraph 2(b)(i) through (iv), above, including in the personnel file of Attorney Castinado, and emails to or from employees of the respondents' Human Resources Department. The respondents shall provide an affidavit to the complainant and to the Commission detailing the nature and scope of the search. If no additional responsive records are located, the respondents shall so state in the affidavit. If responsive records are located, the respondents shall so state in the affidavit and immediately provide a copy of such records to the complainant, free of charge.

2. Henceforth, the respondents shall strictly comply with the provisions of §§1-210(a), 1-212(a), and 1-214, G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 25, 2026.



Molly Steffes
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:

FREESIA WALDRON, Office of the Public Defender, 121 Elm Street, New Haven, CT 06510

JOHN DAY, ACTING CHIEF PUBLIC DEFENDER, STATE OF CONNECTICUT, OFFICE OF CHIEF PUBLIC DEFENDER; AND STATE OF CONNECTICUT, OFFICE OF CHIEF PUBLIC DEFENDER, c/o Assistant Attorney General James Belforti, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06105

MARGARET CASTINADO, Office of the Public Defender, 121 Elm Street, New Haven, CT 06510


Molly Steffes
Acting Clerk of the Commission