

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jacqueline Rabe Thomas,

Complainant

against

Docket #FIC 2025-0693

Douglas McCrory, Member,
State of Connecticut, State Senate,¹

Respondents

July 22, 2026

The above-captioned matter was heard as a contested case on March 4, 2026, May 15, 2026, and June 4, 2026, at which times the complainant and the respondent 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 respondent is a public agency within the meaning of §1-200(1), G.S.
2. It is found that on May 6, 2025, the complainant requested the following records from the respondent:

All communication(s) – including but not limited to emails; text message(s); voicemail(s); letter(s); message(s) sent via social media platforms . . . sent to, from, and/or about the Blue Hills Civic Association [(“BHCA”)] since January 1, 2024.

All communication(s) – including but not limited to email(s); text message(s); voicemail(s); letter(s); message(s) sent via social media

¹ This matter was initially docketed against “Douglas McCrory, State Senator, State of Connecticut, General Assembly; and State of Connecticut, General Assembly, State Senate.” The complaint in this matter solely names Senator Douglas McCrory as the agency from which records were requested. While the complainant also notes that she interacted with the counsel for the Senate Democrats, it is found that counsel was acting as Senator McCrory’s agent in his capacity as an individual member of the State Senate (more specifically a member of the Senate Democratic Office) and not on behalf of the entire General Assembly. Moreover, it is found that both Request #1 and Request #2 clearly seek records *only* from Senator McCrory. The General Assembly’s involvement in this matter is solely in relation to the records from Senator McCrory’s legislative email account, which was maintained by the Legislature’s Information Technology Services on Senator McCrory’s behalf. The caption in this matter is hereby amended to remove the General Assembly and State Senate as respondents in this matter.

platforms . . . sent to, from, and/or about the subgrants and/or the subgrantees of the ARPA funding Sen. McCrory secured since January 1, 2024.

A list of the subgrantees of the ARPA funding sent to [BHCA] that Sen. McCrory helped craft.

Any records surrounding a criminal investigation into state grant money stolen from the ARPA, Urban Act, or capital money provide[d] to [BHCA] since January 1, 2024.

(“Request #1”).

3. It is also found that on July 25, 2025, the complainant requested the following records from the respondent:

Any requests Sen. McCrory has received from law enforcement, investigators, or the courts to preserve records related to [BHCA] or funding related to ARPA, the Community Investment Fund, or state funding.

Any requests Sen. McCrory has received for documents related to BHCA or funding related to ARPA, the Community investment Fund, or state funding from law enforcement, investigators, or the courts.

Any federal grand jury subpoena Sen. McCrory received[.]

(“Request #2”).

4. With respect to Request #1, it is found that between May 10, 2025 and July 30, 2025, the complainant corresponded with counsel for the respondent² as to the status of her request. It is found that on May 28, 2025, at the request of respondent’s counsel, the complainant provided names of certain individuals associated with BHCA so that he could tailor his search.

5. It is found that on July 28, 2025, the respondent’s counsel provided the complainant with a link to access records responsive to Request #1.³

6. It is found that the respondent never responded to, or acknowledged, Request #2.

7. By complaint received and filed on August 4, 2025, the complainant appealed to this Commission alleging that the respondent violated the Freedom of Information (“FOI”) Act by failing to provide all records responsive to Requests #1 and #2, described in paragraphs 2 and 3,

² The respondent is represented by the counsel for the Senate Democratic Office in this matter. As noted in the respondent’s post-hearing brief, such representation is limited to the respondent in his official capacity as a State Senator.

³ Due to technical difficulties the complainant could not access the records until July 29, 2025.

above, respectively. Additionally, the complainant requested the respondent be “fined for declining to release these public records.”⁴

8. 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.

9. 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.

10. 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.”

11. It is concluded that the records described in paragraphs 2 and 3, above, to the extent they exist and are maintained by the respondent, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

Request #1

12. It is found that Request #1 seeks records from the respondent’s official legislative email account as well as the respondent’s personal accounts and devices he used in his capacity as a state senator.

13. It is found that the search of the respondent’s legislative email account was conducted by respondent’s counsel, in coordination with the Legislature’s Information Technology Services (“ITS”), on the respondent’s behalf.

14. It is found with respect to the respondent’s legislative email account, ITS ran two keyword searches against the respondent’s legislative email account. It is found that the first search, conducted on May 6, 2025, used the keywords “ARPA”, “Urban Act”, and “Blue Hills Civic Association” and returned 350 emails. It is found that the second search, conducted on

⁴ The complainant’s use of the word “fined” is sufficient to place the respondent on notice of her request that the Commission consider the imposition of a civil penalty pursuant to §1-206(b)(2), G.S.

May 28, 2025, used the names that the complainant provided as described in paragraph 4, above, and returned 249 emails.

15. It is found that the searches described in paragraphs 13 and 14, above, were limited to the respondent's legislative email account and did not include any personal devices or accounts that he may have used in his capacity as a state senator.

16. It is found that the searches described in paragraphs 13 and 14, above, were reasonably thorough and diligent *only* as to the respondent's official legislative email account.

17. Although the respondent's counsel initially withheld a number of records located through the searches of the respondent's legislative email account, the Commission takes administrative notice of his June 24, 2026 correspondence to the Commission representing that he had requested ITS release those records to the complainant.⁵

18. By order of the hearing officer, dated March 13, 2026, the respondent appeared at the May 15, 2026 and June 4, 2026, continued hearings in this matter for the purpose of providing additional testimony regarding the respondent's search of his personal accounts and devices.

19. It is found that the respondent's testimony concerning the nature, scope, timing, and results of any search of his personal accounts and devices in response to Request #1 was not credible. Such testimony was vague, uncertain, and unsupported.

20. It is further found that while respondent's counsel also testified as to the respondent's search of his personal accounts and devices, counsel lacked sufficient knowledge about such searches to provide credible testimony.

21. At the hearings on this matter, the respondent asserted that he was unable to search his personal phone for responsive records due to the fact that federal authorities had seized the device. It is found, however, that the respondent's phone was seized on July 14, 2025, more than two months after the complainant submitted Request #1 on May 6, 2025. The respondent provided no credible evidence as to the steps he took to search for records responsive to Request #1 prior to July 14, 2025.

22. Moreover, it is found that Request #1 seeks communications from certain accounts (e.g., email and social media). It is found that the complainant continued to have access to such accounts despite the fact that his phone was seized.

23. It is found that the respondent's testimony that after his phone was seized, his mobile carrier was unsuccessful in restoring information from his phone, is not credible evidence as to his efforts to search for records responsive to his request. In fact, it appears that the respondent's attempt to restore information to his new phone was done for his own benefit, and was not

⁵ Pursuant to the hearing officer's June 5, 2026, Order for Additional Evidence, the parties submitted a number of proposed after-filed exhibits. The purpose of such order was to assist the hearing officer in ascertaining whether certain records withheld by the respondent at the time were exempt from disclosure. In light of the representation from respondent's counsel in paragraph 17, above, such after-filed exhibits are deemed irrelevant/immaterial to the proceedings/issues before the Commission, and therefore were not marked and admitted as evidence in this matter.

designed to locate records responsive to Request #1. It is further found that whether the respondent's mobile carrier could restore certain information to his new phone is not dispositive on the issue of whether the respondent could access such information by other means.

24. It is found that the administrative record lacks any credible evidence as to the respondent's search of his personal accounts or devices for records responsive to Request #1.

25. Based on the foregoing, it is found that the respondent failed to prove that he conducted a reasonably diligent and thorough search of his personal accounts or devices in response to Request #1.

26. It is found, therefore, that the respondent failed to prove that he provided the complainant with all records responsive to the complainant's Request #1, described in paragraph 2, above.

27. Accordingly, it is concluded that the respondent violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to Request #1.

Request #2

28. Pursuant to an order of the hearing officer dated June 5, 2026, the respondent, via counsel, submitted certain records to the Commission for in camera inspection along with an Index for Records Submitted for In Camera Inspection ("In Camera Index"). The in camera records consisted of two pages, a one-page receipt given to the respondent at the time federal authorities seized his phone, and a one-page statement from the respondent describing those events.

29. The respondent asserts that the records described in paragraph 28, above, are not responsive to Request #2.

30. After a careful inspection of the in camera records, it is found that neither record identified in paragraph 28, above, is responsive to Request #2.⁶ Rather it is found that such records were submitted in lieu of the instrument authorizing federal authorities to seize the respondent's phone as described in paragraph 21, above.

31. At the May 15, 2026, continued hearing in this matter, the respondent testified that he was in possession of the instrument authorizing federal authorities to seize his phone. Nevertheless, at the June 4, 2026 second continued hearing, the respondent testified that he was no longer able to locate such instrument.

32. The respondent asserts that despite his inability to locate the instrument that authorized federal authorities to seize his phone, such record would not be responsive because it was likely not a subpoena, but rather a warrant pursuant to Rule 41 of the Federal Rules of Criminal Procedure. The respondent argues that, as a warrant, the instrument is not responsive to

⁶ Although such records may be responsive to Request #1, they were created after the complainant submitted such request on May 6, 2025, and are therefore outside the scope of that request.

Request #2, because it was not a request from law enforcement, investigators, or the courts, to preserve or provide records as outlined in Request #2.

33. The Commission is unable to ascertain the exact nature of the instrument authorizing federal authorities to seize the respondent's phone as, apparently, the respondent has misplaced it. The Commission notes, however, that on the In Camera Index, the respondent indicated that: (i) his phone was "seized pursuant to a Federal Grand Jury Subpoena;" and (ii) he submitted the receipt given to him by federal authorities after the seizure of his phone because he is "not in possession of [a] copy of [the] subpoena."

34. It is found, however, that even if the instrument that authorized federal authorities to seize the respondent's phone is a warrant, as alleged, the respondent did not produce the record for in camera inspection and the Commission cannot review such record to establish the contents, scope, or legal effect thereof.

35. Based on the foregoing, it is found that the respondent failed to prove that the instrument was outside the scope of records responsive to Request #2.

36. The respondent also asserts that even if the instrument authorizing federal authorities to seize his phone was a federal grand jury subpoena, it is exempt pursuant to § 1-210(b)(3)(D), G.S., as well as Rule 6 of the Federal Rules of Criminal Procedure.

37. Section 1-210(b)(3), G.S., provides in relevant part that:

Nothing in the [FOI] Act shall be construed to require the disclosure of :

. . .

Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of . . . (D) information to be used in a prospective law enforcement action if prejudicial to such action. . . .

38. For the purposes of this decision only, the Commission will assume, without deciding that the instrument that authorized federal authorities to seize the respondent's phone, is a "record of a law enforcement agency" within the meaning of § 1-210(b)(3)(D), G.S.

39. Although the respondent was unable to locate the instrument that authorized federal authorities to seize his phone, he argues that it contained⁷ the following statement which he characterized as a "prohibition on disclosure":

⁷ It does not appear that the statement in paragraph 39, above, is a direct quote from the instrument that authorized federal authorities to seize the respondent's phone. Rather, for the purposes of legal argument, the respondent, in his post-hearing brief, notes that "federal grand jury subpoenas . . . contain the following prohibition on disclosure. . . ."

You are *requested* not to disclose the existence of this subpoena or its contents. Disclosure of the subpoena, or its contents, *may impede* an ongoing federal grand jury investigation into the possible commission of a felony, and consequently *may interfere* with the enforcement of federal law. Therefore, *before you disclose* the existence and/or contents of this subpoena, please contact SA Conklin.

(Emphasis added).

40. It is found that the statement in paragraph 39, above, on its face, is not a “prohibition on disclosure.” In fact, it is found that the statement anticipates the possible disclosure of the subpoena.

41. Moreover, the Commission has previously considered whether federal grand jury subpoenas are exempt from disclosure pursuant to §1-210(b)(3)(D), G.S., in Docket #FIC 2012-718, Kevin Rennie v. Executive Director, State of Connecticut, Office of Legislative Management, et al. (August 28, 2013) (“Rennie”).

42. Rennie involved a federal grand jury subpoena served on the Office of Legislative Management. Such subpoena included a nearly identical statement to that described in paragraph 39, above. With respect to the applicability of §1-210(b)(3), G.S., the Commission noted that

Connecticut law has long settled that “[t]he burden of establishing the applicability of an exemption clearly rests upon the party claiming the exemption. This burden requires the claimant of the exemption to provide more than conclusory language, generalized allegations or mere arguments of counsel. Rather, a sufficiently detailed record must reflect the reasons why an exemption applies to the materials requested. New Haven v. [Freedom of Info. Comm’n], 205 Conn. 767, 775 (1987)

It is found that the federal prosecutor’s cautions that the disclosure “may tend to interfere” with an investigation were couched in the most generalized and conclusory terms in what appears to be “boilerplate” language about the harm to an ongoing investigation.

It is found that the respondents failed to provide any evidence of prejudice to a prospective law enforcement action other than the prosecutor’s cursory letters requesting secrecy.

It is found that the respondents failed to prove that §1-210(b)(3), G.S., exempted the subpoenas from mandatory disclosure

43. It is found that the statement in paragraph 39, above, is the same type of conclusory and generalized “boilerplate” language that was considered by the Commission in Rennie. It is found that the respondent did not provide *any* evidence that disclosure of the subpoena would, in fact, be prejudicial to a prospective law enforcement action.

44. It is found, therefore, that the respondent failed to prove that the federal grand jury subpoena served on the respondent by federal authorities was exempt from disclosure pursuant to §1-210(b)(3)(D), G.S.

45. The respondent next argues that any federal grand jury subpoena served on him by federal authorities is exempt from disclosure under §1-210(a), G.S., and Rule 6(e) of the Federal Rules of Criminal Procedure (“Rule 6(e)”).

46. As noted in paragraph 9, above, §1-210(a), G.S., in relevant part, provides that “except 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 ... shall be public records....”

47. The respondent asserts that “[u]nder Rule 6(e) of the Federal Rules of Criminal Procedure, federal grand jury subpoenas and/or warrants are confidential, and their existence cannot be disclosed except in limited circumstances not applicable here.” Resp. Brief, at 11-12.

48. Rule 6(e) provides in relevant part:

(2) Secrecy.

(A) *No obligation of secrecy may be imposed on any person except in accordance with Rule 6(e)(2)(B).*

(B) Unless these rules provide otherwise, *the following persons* must not disclose a matter occurring before the grand jury:

- (i) a grand juror;
- (ii) an interpreter;
- (iii) a court reporter;
- (iv) an operator of a recording device
- (v) a person who transcribes recorded testimony;
- (vi) an attorney for the government; or
- (vii) a person to whom disclosure is made under Rule 6(e)(3)(A)(ii) or (iii).

(3) Exceptions

(A) Disclosure of a grand-jury matter – other than the grand jury deliberations or any grand juror’s vote – may be made to:

- (i) an attorney for the government for use in performing that attorney's duty;
- (ii) any government personnel – including those of a state, state subdivision . . . that the attorney for the government considers necessary to assist in performing that attorney's duty to enforce federal criminal law; or
- (iii) a person authorized by 18 U.S.C. §3322.

(Emphasis added).

49. Contrary to the respondent's assertion, Rule 6(e) explicitly states that only certain individuals are required to maintain secrecy of grand-jury matters.⁸ It is found that the respondent failed to prove that he was one such individual.

50. The respondent also cites Division of Criminal Justice v. Freedom of [Info. Comm'n.] 49 Conn. L. Rptr. 382, (2010), wherein the Court noted that:

[F]ederal law . . . prohibits a freedom of information request for grand jury subpoenas. . . . These cases are based, however, on [Rule 6(e)(2)], that prohibits disclosure of identity of witnesses before a grand jury. The federal statutes and rule 6 are sufficient to support a statutory exemption from the federal FOIA.

As noted in paragraph 48, above, however, Rule 6(e)(2) only applies to certain individuals, and the respondent failed to prove that he was under any such prohibition.

51. Finally, the respondent's reliance on Advisory Opinion #88 is unavailing. The respondent cites that advisory opinion for the premise that:

[i]f an agency gets access to certain databases that require [a] promise to keep confidentiality, the information in the computer databases, whether available on-line on terminals at the Department or in records maintained or kept by the Department, are exempt from mandatory disclosure.

⁸ The Commission's reading of Rule 6(e) is consistent with the facts in Rennie, wherein an Assistant U.S. Attorney, indicated that

As a witness, the [respondent OLM] was not required to comply with our request [to not disclose the subpoena]. At this time, it now appears unlikely that disclosure of copies of the subpoena would interfere with this Office's investigation. . . As has always been the case [OLM] is not required to comply with this Office's request.

(Emphasis added). Rennie, ¶ 14.

52. Advisory Opinion #88 is clearly not applicable in the instant matter. The subpoena served on the respondent is not a “database,” nor can the service of a subpoena be reasonably characterized as “get[ing] access to certain databases that require [a] promise to keep confidentiality. . . .” Federal authorities did not condition the respondent’s access to the subpoena on any promise to maintain confidentiality; rather, it is found that the subpoena was served on him as notice that his phone was being seized.

53. It is found, assuming the instrument authorizing federal authorities to seize the respondent phone is a federal grand jury subpoena, Rule 6(e), by operation of §1-210(a), G.S., does not prohibit its disclosure under the facts and circumstances of the instant matter.

54. Accordingly, it is concluded that the respondent violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to prove that he provided the complainant with all records responsive to Request #2.

Civil Penalty

55. The Commission now turns to whether the imposition of a civil penalty against the respondent is warranted based on the facts and circumstances of this case.

56. Section 1-206(b)(2), G.S., provides, in relevant part:

upon a finding that a denial of any right created by the Freedom of Information Act was without reasonable grounds and after the custodian or other official directly responsible for the denial has been given an opportunity to be heard at the hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than five thousand dollars.

57. As found in paragraph 21, above, the respondent received Request #1 over two months before his phone was seized by federal authorities. There is no evidence in the administrative record that, during those two months, the respondent took any steps to search his personal accounts and devices for responsive records.

58. It is found that the respondent not only *has used* personal accounts and devices in his capacity as a state senator in the past, but he *did, in fact, use* such personal accounts and devices in such capacity during the period responsive to Request #1.

59. Moreover, the respondent was unable to provide credible testimony as to what personal accounts and devices he searched, what keywords he used in such searches, when he conducted such searches, the results of any such searches, how he determined what records were or were not responsive, and what efforts he took to retrieve responsive records from his phone *in response to Request #1*. The respondent’s inability to provide such testimony calls into question what steps were actually taken to search his personal accounts and devices.

60. It is found that even though a reasonably diligent and thorough search was conducted of the respondent's legislative email account, such efforts are credited to respondent's counsel and the Legislature's ITS. It is found that the respondent had minimal-to-no involvement in such process. Accordingly, such efforts do not mitigate the respondent's failure to search his own personal accounts and devices.

61. Based on the facts and circumstances of this case, it is found that the respondent's failure to conduct a reasonably diligent and thorough search of his personal accounts and devices with respect to Request #1 is, alone, sufficient to constitute a "denial of [the public's right to receive copies of public records] without reasonable grounds" within the meaning of §1-206(b)(2), G.S.

62. Nevertheless, at the March 4, 2026, hearing in the instant matter, the complainant testified that she did not think a civil penalty was necessary in the instant matter. Based on such testimony from the complainant, who's rights to access public records were denied without reasonable grounds in this instant matter, the Commission, in its discretion, declines to impose a civil penalty, *sua sponte*.

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

1. Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondent shall: (i) conduct a thorough and diligent search of *all* personal accounts and devices for records responsive to Request #1, described in paragraphs 2 and 4 of the findings, above; and (ii) provide copies of any records located as a result of such search to the complainant unredacted and free of charge.

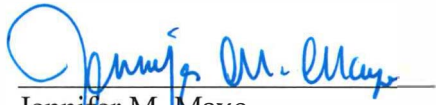
2. Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondent shall submit to the Commission an affidavit detailing the exact nature and scope of the search conducted in response to paragraph 1 of this order, above. Such details shall include, but not be limited to, the specific accounts and devices searched, the specific keywords and methodologies used to conduct such searches, and the exact number of responsive records located as a result of the search. If, as a result of such search, no records responsive to Request #1 are located, the respondent shall so aver in the affidavit. Such affidavit shall be submitted to the Commission, via email, at foi@ct.gov, with a copy to the complainant.

3. Within forty-five (45) days of the date of the Notice of Final Decision in this matter, the respondent shall conduct a thorough and diligent search for the instrument that authorized federal authorities to seize his phone described in paragraph 31 of the findings, above, regardless of whether such instrument is formally designated as a federal grand jury subpoena or a warrant. Such search shall include contacting the appropriate authority to request a new copy of such instrument, if the respondent is unable to locate his original copy. The respondent shall provide a copy of such instrument to the complainant unredacted and free of charge. If the respondent is unable to locate or obtain a copy of such instrument, he shall so aver in an affidavit to the Commission detailing the exact scope and nature of such search. Such affidavit shall be submitted to the Commission, via email, at foi@ct.gov, with a copy to the complainant.

4. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondent shall contact the Commission's public education officer to schedule training regarding the requirements of the FOI Act. Such training shall be mandatory for the respondent and his direct aides and assistants.

5. 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 July 22, 2026.



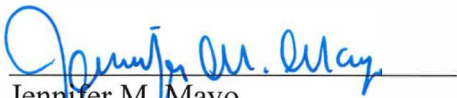
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JACQUELINE RABE THOMAS, PO Box 330238, West Hartford, CT 06133

DOUGLAS MCCRORY, MEMBER, STATE OF CONNECTICUT, STATE SENATE, c/o Attorney Joseph P. Quinn, Jr., Legislative Office Building, Room 3300, 300 Capitol Avenue, Hartford, CT 06106


Jennifer M. Mayo
Acting Clerk of the Commission