

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Sanjay Gupta,

Complainant

against

Docket #FIC 2025-0519

Town Clerk, Town of West Hartford; and
Town of West Hartford,

Respondents

June 10, 2026

The above-captioned matter was heard as a contested case on November 13, 2025, and March 19, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. For the purposes of hearing, this matter was consolidated with Docket #FIC 2025-0516, Sanjay Gupta v. Superintendent of Schools, West Hartford Public Schools et al. (“Docket #FIC 2025-0516”). The Commission takes administrative notice of the administrative record in Docket #FIC 2025-0516.

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 on June 9, 2025, the complainant emailed the respondent Town Clerk seeking the following records:

Munis Budget-vs-Actual Object Detail reports for all Town of West Hartford funds FY2017-FY2025, limited to Object codes 5300-5399, 330, 810.

Vendor-level payment ledgers for the same years and object codes.

All inter-fund or intra-department transfers 1 Jul 2016-30 Jun 2025 that increase these object codes or move General-Fund cash to Risk-Management for litigation, claims, or professional services.

Engagement letters or fee agreements FY 2017-FY 2025 with any outside counsel or e-discovery vendor.

3. It is found that, shortly after receiving the complainant's request described in paragraph 2, above, the respondent Town Clerk acknowledged the complainant's request. It is found that in his acknowledgment, the respondent Town Clerk informed the complainant that: (i) his office maintained the Town's land transactions records; and (ii) his request was forwarded to the Town's Finance Department.

4. By complaint received and filed June 25, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide all records responsive to his request described in paragraph 2, above.

5. 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.

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

8. It is found that the records sought by the complainant, described in paragraph 2, above, were maintained by the Town Finance Department¹ and not the respondent Town Clerk.

9. It is well established that a public agency "is not required to seek out, or to produce, public records not maintained by that office. . . ." Lemcke v. Freedom of Info. Comm'n, Docket No. HHB-CV23-6083041-S (Conn. Super. Ct. Dec. 19, 2024) ("Lemcke"), citing Lash v. Freedom of Info. Comm'n, 116 Conn. App. 171, 187 (2009), *aff'd in part, rev'd in part*, 300 Conn. 511 (2011) ("Lash").

¹ For context, all requested object codes (excluding 330 and 810, which are not valid object codes) requested by the complainant pertain to the West Hartford Public Schools. Whether the records maintained by the Town Finance Department were maintained *on behalf of* the West Hartford Public Schools, is not relevant to the instant matter and is addressed in Docket #FIC 2025-0516.

10. In Lash, the Appellate Court considered whether the First Selectman had a duty to inquire of the town law department as to whether it had possession of any documents that would be responsive to the records request at issue therein. Id., 186. There, the records of the law department were not kept on file by or in the custody of the first selectman's office but, rather, were maintained by the law department itself. Id., 187. The Appellate Court concluded that:

as a department of the town of Greenwich, it is clear that the law department is an agency in its own right under the administrative supervision of the town attorney. In setting forth disclosure requirements for public agencies, §1-210(a) requires that ‘all records maintained or kept on file by a public agency . . . shall be public records. . . . ***Each such agency shall keep and maintain all public records in its custody.*** . . .’ It is undisputed that the records of the law department are not kept on file by or in the custody of the first selectman’s office but, rather, are maintained by the law department itself. Although both the first selectman and the law department may be public agencies for the purposes of the [FOI Act] . . . as *distinct* public agencies, Lash has no duty to maintain or make available the records of the law department, just as the law department has no duty to maintain or disclose the records of the first selectman.

(Emphasis added). Lash, at 187.

11. It is found that the Town’s Finance Department and the respondent Town Clerk are “distinct public agencies” as described in Lash.

12. The complainant argues that Lash is not applicable in this matter because: (i) “[t]his matter is not properly reduced to ‘Town Clerk only.’ The docket caption identifies both the Town Clerk and the Town of West Hartford as respondents[;]” and (ii) the Finance Department “did not appear as a stranger to this case; it appeared as the Town’s own evidentiary answer to the . . . request.” Neither argument has merit.

13. As the Court in Lash concluded, a distinct public agency has no obligation to make available the public records of another distinct public agency. Lash explicitly applies to different departments within the same town. The fact that the Town is named in the caption for this matter has no bearing on which *distinct* public agency *within* the Town maintained the requested records.

14. Similarly, whether and to what extent the Town’s Finance Department processed the complainant’s request described in paragraph 2, above, is irrelevant to the instant matter. The Commission has no jurisdiction over the Town’s Finance Department in this matter because the complainant did not request records from that office. Rather, the Commission’s jurisdiction in the instant matter is limited to determining whether the respondent Town Clerk met his obligation to disclose public records responsive to the complainant’s request described in paragraph 2, above, *to the extent his office maintained any such records*. See Docket #FIC 2023-0439, Marc Lemcke v. Town Clerk, Town of Westport; and Town of Westport (June 26, 2024) (“It is concluded,

therefore, that the Commission's jurisdiction is limited to determining whether the respondent Town Clerk provided all responsive records *it maintained at the time it received the complainant's . . . request.*") (Emphasis added).

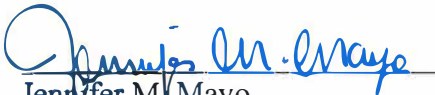
15. Moreover, the fact that the respondent Town Clerk forwarded the complainant's request to the Town's Finance Department does not create an obligation for such agency to respond to his request. See e.g., Docket #FIC 2024-0578, Tim Howard v. Town Manager, Town of Hebron; and Town of Hebron (finding that even though the Town Manager reached out to other public agencies and facilitated the provision of some records, he did so as a courtesy and was under no legal obligation to do so).

16. It is concluded, therefore, under the facts of this case, and in accordance with Lash, the respondent Town Clerk did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the records described in paragraph 2, above, which his office does not maintain.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 10, 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:

SANJAY GUPTA, 54 Orchard Road, West Hartford, CT 06117

TOWN CLERK, TOWN OF WEST HARTFORD; AND TOWN OF WEST HARTFORD,
c/o Attorney Cynthia Lauture, Office of the Corporation Counsel, 50 South Main Street, West
Hartford, CT 06107


Jennifer M. Mayo
Acting Clerk of the Commission