

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Gregory Johnson,

Complainant

against

Docket # FIC 2025-0219

Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,

Respondents

March 25, 2026

The above-captioned matter was heard as a contested case on November 5, 2025, and January 21, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 inmate request form dated March 20, 2025, addressed to Department of Correction staff, Jennifer Cruz, the complainant wrote:

This is an Informal Resolution concerning my medical records request. On 3/19/2025, Ms. Anna Cigal gave me a box of medical records. She told me that Alerts/Flags Messages are not medical records and therefore I am not entitled [to them] ... The judge in my medical habeas trial ruled that Alerts/Flags Messages are a part of prisoners' health records ... then ordered AAG DeAnn Varunes to provide me all of it. If MSO does not have the capability to print Alerts/Flags Messages please reach out to the appropriate staff so this can be done. I requested May 2023 [through] March 2025. If [this] request is not filled please state the reason for this. Thank

you for your assistance and for remedying this issue.¹

(“March 20, 2025, Inmate Request Form”).

3. It is found that the respondents received the March 20, 2025, Inmate Request Form on April 1, 2025.

4. It is also found that, via Inmate Request Form dated March 24, 2025, the complainant made the following request to the respondents’ Freedom of Information (“FOI”) Liaison:

- (1) I am requesting a copy of Incident Reports, dated between February 2024 and present date. These incident Reports are concerning a 2/2024 Inmate Assault at CRCC; PREA Allegation/Staff’s threats at CRCC; [and] Legal mails at CRCC and MWCI; Emails between WDN Daniel Dougherty, DA Nzek Rodriguez, Dir. Antonio Santiago; Dir. David Snyder; Cmsr. Angel Quiros, DWS Brian Perez and Justin Oles; C/S Liz Vereen; Lt. Michael Pearson and others, dated between 2024 and 2025.
- (2) A printout of my tablet phone calls for 8/2022 made to CSP, 2/2024 – 4/2024, including Transcribed Messages; and
- (3) A copy of Interview Reports between DOC Investigators, Capt. Pryor and unknown staff interviews, dates between 1/2024 and 3/2024 at CRCC.

(“March 24, 2025, Inmate Request Form”).

5. It is found that the respondents received the March 24, 2025, Inmate Request Form on March 26, 2025.

6. By complaint filed April 2, 2025, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act by denying his requests for the records described in paragraphs 2 and 4, above.²

7. Section 1-200(5), G.S., provides:

¹ The Commission further notes that, at the top of the form, the complainant also wrote “INFORMAL RESOLUTION.”

² The Commission notes that, in his complaint, the complainant alleged that the respondents denied several requests that he made between March 2023 and May 2025, and that he sought the Commission’s review of such denials. However, by letter filed with the Commission on January 8, 2026, the complainant notified the Commission that, with the exception of the March 20, 2025, and March 24, 2025, Inmate Request Forms, described in paragraphs 2 and 4, above, he wished to withdraw his complaint. The Commission takes administrative notice of such partial withdrawal. Accordingly, the Commission will only consider the allegations set forth in the complaint pertaining to the March 20, 2025, and March 24, 2025, Inmate Request Forms.

“[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.

8. 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.

9. 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.”

10. It is concluded that the records described in paragraphs 2 and 4, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S., to the extent they exist and are maintained by the respondents.

11. At the hearings on this matter, the respondents contended that the complaint should be dismissed. First, the respondents argued that the March 20, 2025, Inmate Request Form does not constitute a request for records under the FOI Act, and further, that they did not receive the March 20, 2025, Inmate Request Form until a copy of such form was provided to them by the Commission along with notice of the complaint in this matter. Second, the respondents argued that at the time of the complaint, there was no denial of the records request described in the March 24, 2025, Inmate Request Form.

12. Notwithstanding the aforementioned contentions of the respondents, at the January 21, 2026, hearing on this matter, the respondents offered evidence to demonstrate their efforts to comply with the complainant’s requests.

13. Section 1-206(a), G.S., provides, in relevant part, that “[a]ny denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request . . . *Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.*” (Emphasis added.)

14. Section 1-206(b)(1), G.S., provides, in relevant part, that “[a]ny person denied the right to inspect or copy records under section 1-210 ... or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken...”

15. With respect to the March 20, 2025, Inmate Request Form, it is found that the “informal resolution” process referenced therein pertains to the early stages of the respondents’ administrative remedies process, whereby an incarcerated person may attempt to resolve an issue within a Department of Correction facility. It is found that the respondents’ FOI liaisons are not responsible for responding to informal resolutions, nor are they ordinarily provided with copies of such requests.

16. It is also found, based on the testimony of the complainant, that in invoking the aforementioned “informal resolution” process, he intended to initiate the respondents’ administrative remedies to resolve an issue at the facility (here, the issue of his medical records not being provided to him as a person in the respondents’ custody).

17. It is also found, based on the testimony of the complainant, that approximately two weeks after initiating the informal resolution process, he provided a copy of the March 20, 2025, Inmate Request Form to an FOI Liaison within the facility. Based on such timeline, it is found that the complainant could not have provided the March 20, 2025, Inmate Request Form to the FOI Liaison until sometime *after* the complaint in this matter was filed with the Commission on April 2, 2025.

18. It is also found, based on the testimony of the respondents’ witness, FOI Administrator Counselor Supervisor Secore (“CS Secore”), that she first became aware of the March 20, 2025, Inmate Request Form on or about August 27, 2025, after she received notice that a complaint had been filed in this matter. It is further found that, following receipt of the complaint in this matter, CS Secore searched the respondents’ records request tracking system (“GovQA”) and did not locate a copy of the March 20, 2025, Inmate Request Form.

19. Based on the foregoing, it is found that the respondents initially construed the March 20, 2025, Inmate Request Form as a request to commence an “informal resolution,” as part of the respondents’ administrative remedies process, and not a request for records pursuant to the FOI Act. It is found that such determinations were reasonable.

20. It is also found, based on the testimony of the complainant and the respondents’ witness, that the first time the respondents construed the March 20, 2025, Inmate Request Form as a request for records pursuant to the FOI Act was *after* the complaint in this matter was filed with this Commission.

21. Based on the foregoing, it is concluded that at the time the complaint in this matter was filed, the respondents had not denied the request set forth in the March 20, 2025, Inmate

Request Form, or denied any other right under the FOI Act, within the meaning of § 1-206(b)(1), G.S. Because there was no denial at the time of the complaint, it is concluded that the respondents did not violate the FOI Act, under the facts of this case, with respect to such request.³

22. With respect to the March 24, 2025, Inmate Request Form, as already found in paragraph 5, above, the respondents received such request on March 26, 2025, which was a Wednesday.

23. It is further found that the complaint in this matter was received and filed with this Commission on Wednesday, April 2, 2025, at least four business days after the respondents received the complainant's March 24, 2025, Inmate Request Form. It is also found that, by such time, the respondents had not complied with the complainant's request.

24. Accordingly, at the time the complaint in this matter was filed with the Commission, the request described in the March 24, 2025, Inmate Request Form was "deemed denied" for purposes of §§ 1-206(a) and 1-206(b)(1), G.S. It is therefore concluded that the complainant was entitled to file an appeal with this Commission. It is therefore concluded that the Commission may consider the allegations set forth in the complaint pertaining to such request.

25. With respect to the complainant's request for copies of the incident reports described in paragraph 4, part (1), above, it is found that, at the time of the January 21, 2026, hearing on this matter, the respondents had conducted searches for such incident reports. It is found, however, that there were delays with respect to the respondents' ability to retrieve, review and provide all of the records to the complainant. It is therefore found that, at the time of the hearing, all of the incident reports responsive to the request in this matter had not been provided to the complainant. Notwithstanding, CS Secore testified that the respondents were committed to providing all of the incident reports to the complainant as quickly as possible.

26. With respect to the complainant's request for copies of the emails described in paragraph 4, part (1), above, it is found that CS Secore is responsible for managing all requests for emails, and that she relies on the state's centralized information technology ("IT") services to comply with such requests. It is found that, after obtaining additional information from the complainant that CS Secore concluded was necessary to conduct a search, between May 2025 and the January 21, 2026, hearing on this matter, IT made at least three attempts to extract emails responsive to the request. It is found, however, that IT was unable to locate and extract all responsive emails. CS Secore testified that, for reasons unknown to her, the email extractions were not yielding emails pertaining to the complainant. It is further found that, at the time of the

³ The Commission notes that, during the hearing on this matter, the complainant testified that the respondents have provided him with copies of his medical records. However, the "Alerts/Flags Messages" referenced in the March 20, 2025, Inmate Request Form were not provided. According to the complainant, such records constitute notes transmitted between providers and medical personnel, and that such records are maintained in an electronic health record. The complainant testified at length that the respondents' medical staff told him that such records could not be provided to him. However, the complainant also credibly testified that such records have previously been provided to him pursuant to a court order. The complainant provided CS Secore with information about the staff who retrieved and provided such records. The Commission encourages the respondents to continue to work with the complainant to make copies of the "Alerts/Flags Messages" available to the complainant.

January 21, 2026, hearing, no solution had been identified by IT or the respondents, and copies of responsive emails had not yet been provided to the complainant. Notwithstanding, CS Secore testified that she would continue to work with IT to identify a solution and that the respondents were committed to providing the complainant with copies of the emails he requested.

27. Because the respondents have not provided the complainant with copies of all records responsive to the request described in paragraph 4, part (1), above, the Commission must consider whether the respondents violated the promptness requirements of the FOI Act in relation to such request.

28. The Commission has held that the meaning of the word “promptly” is a particularly fact-based question, and has opined that the word “promptly” in § 1-210, G.S., means “quickly and without undue delay, taking into account all of the factors presented by a particular request ... [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request.” *See FOI Commission Advisory Opinion #51* (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

29. As the court recognized in *Comm’r of Dep’t of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm’n*, No. HHBCV186047741, 2020 WL 5540637, at *6 (Conn. Super. Ct. July 2, 2020), a public agency should consider its obligations under the FOI Act as a “primary duty” of that agency, “on par with the [agency’s] other significant duties, or said another way, that the agency’s FOIA duty is not a second class duty.”

30. It is found that in 2025, the respondents received approximately 4500 requests for records, and CS Secore assumed responsibility for handling approximately 2000 of those requests. It is also found that, while there is at least one FOI Liaison assigned to each Department of Correction facility, the respondents have experienced turnover in such staffing that has impacted their ability to timely comply with the complainant’s request for the incident reports described in paragraph 4, part (1), above.

31. It is also found that the respondents offered limited testimony regarding the volume of the incident reports requested and the amount of personnel time needed to comply with the request. As already found herein, at the time of the January 21, 2026, hearing on this matter, all responsive records had yet to be provided to CS Secore for her review, prior to providing copies to the complainant.

32. With respect to the complainant’s request for the emails described in paragraph 4, part (1), above, as already found herein, at the hearings, the respondents were not able to explain why the email extraction system in place was not yielding the appropriate results, nor did the respondents provide a solution or alternative to ensure compliance with such request.

33. It is found that at the time of the January 21, 2026, hearing on this matter, 10 months had transpired from the date of the March 24, 2025, request, and copies of all incident reports and emails, all of which pertain to the complainant, had not been provided.

34. Given the discrete nature of the requested records, and the lack of a cogent explanation for the delays, it is concluded that the respondents violated the disclosure and promptness provisions of the FOI Act with respect to the request described in paragraph 4, part (1), above.

35. With respect to the complainant's request for copies of the records described in paragraph 4, part (2), above, it is found, based on the testimony of CS Secore, that there are no records responsive to the request for a record of calls specifically "made to CSP."⁴

36. With respect to the records described in paragraph 4, part (3), above, it is found, based on the testimony of the complainant, that an investigator with the Department of Correction (whom he referred to in his request and at the hearing as "Pryor") and other staff interviewed him in January 2024 and March 2024. During the January 21, 2026, hearing, the complainant testified about where and when such interviews occurred, but he did not know the names of the other staff who he explained were involved in such interviews.

37. It is found that, because "Pryor" was named in the request as the staff-member who conducted the interviews, CS Secore contacted Pryor and inquired about the matters referenced in such request. It is found that Pryor reported to CS Secore that she only spoke with the complainant and that there was no written record of an interview.⁵

38. It is therefore found that the respondents do not maintain any records responsive to the request described in paragraph 4, parts (2) and (3), above. Accordingly, it is concluded that the respondents did not violate the FOI Act when they did not provide the complainant with copies of records responsive to such requests.

39. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to the records described in paragraph 4, parts (2) and (3), above.

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

1. Within 15 days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with a copy of all incident reports that are responsive to the request described in paragraph 4, part (1), above, that have not already been provided, free of charge.

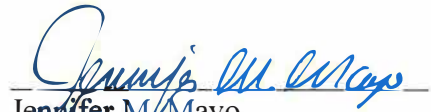
⁴ The Commission notes, however, that the respondents provided a copy of records pertaining to the tablet calls that are more generally referenced in such request.

⁵ Notwithstanding, CS Secore explained at the hearing that, if the complainant is able to provide more information, additional searches for responsive records could be undertaken.

2. Within 30 days of the date of the Notice of Final Decision in this matter, the respondents shall provide the complainant with a copy of all of the emails that are responsive to the request described in paragraph 4, part (1), above, free of charge.

3. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions of the FOI Act.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 25, 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:

GREGORY JOHNSON, #128262, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION;
AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney Jennifer Lepore, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Jennifer M. Mayo
Acting Clerk of the Commission