

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket #FIC 2025-0360

Chairperson, State of Connecticut,
Connecticut Board of Pardons and
Paroles; and State of Connecticut,
Connecticut Board of Pardons and
Paroles,

Respondents

May 13, 2026

The above-captioned matter was heard as a contested case on January 9, 2026, at which time 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 on April 28, 2025, the complainant made a request to the respondents, wherein he sought twenty separate categories of records, which included, among other things, certain documents, statements, and reports pertaining to his March 7, 2025 parole hearing. At the January 6, 2026 hearing in this matter, the complainant testified that only the following portions of his April 28, 2025 request remain at issue:

[Item #4]

Cop[ies] of the reports and[/]or documents submit[ted] by the state's attorney, and counsel for the [complainant]. . . .

[Item #5]

Cop[ies] of any testimony from [m]ental [h]ealth [p]rofessionals or other persons . . . that was request[ed] by the [respondents] during the [complainant's parole] hearing [o]n March [7], 2025.

[Item #6]

Cop[ies] of any reports in regard of the [complainant's] parole hearing from the [C]ommissioner of Correction, [m]ental [h]ealth [s]taff reports, or other persons employed by [the Department of Correction ("DOC")]. . . .

[Item #10]

Cop[ies] of the victim's [o]ral or [w]ritten [s]tatements submitted on March [7], 2025 [in relation to the complainant's] [p]arole [h]earing.

[Item #11]

Cop[ies] of submitted written or oral statements [o]n March [7], 2025 from the Judicial Branch and DOC['s] [Office of Victim Services ("OSV")] [pertaining to the complainant's] [j]uvenile¹ [p]arole [h]earing.

[Item #13]

Cop[ies] of the [s]tate [a]ttorney['s] oral or written statements, testimony, documents, report, other, addressing the nature [s]tate [a]ttorney did imposed for the [complainant] to be release[d] on [j]uvenile parole during the March [7], 2025, [p]arole [h]earing.

[Item #20]

Cop[ies] of all, every inaccurate information that was corrected or conclusions about the [complainant] that was [r]ebuted in regard of the Decision [I]nformation [S]ummary ("DIS") by assigned attorney Robert O'Brien during the [complainant's] March [7], 2025, [j]uvenile [p]arole [h]earing.

3. It is found that the respondents received the complainant's request described in paragraph 2, above, on May 15, 2025. It is found that on the same day, the respondents sent the complainant a letter outlining their initial response to each of the twenty categories of records contained in the complainant's request described in paragraph 2, above.

4. It is found that in their May 15, 2025 letter described in paragraph 3, above, the respondents identified the categories of records for which: (i) they maintained and would provide

¹ In his request described in paragraph 2, above, the complainant used both "parole hearing" and "juvenile parole hearing." Based on the administrative record, it is found that the complainant was seeking records pertaining to a single hearing occurring on March 7, 2025.

such responsive records to the complainant; (ii) they had no responsive records; and (iii) the complainant needed to request from a different state agency.

5. By complaint received and filed with the Commission on May 16, 2025, the complainant alleged 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.

6. 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.

7. 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.

8. 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.”

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

10. It is found that on June 6, 2025, the respondents mailed the complainant a copy of records responsive to his April 28, 2025 request described in paragraph 2, above. It is further found that the complainant received such records on June 17, 2025.

11. At the January 9, 2026 hearing in this matter, the respondents testified and it is found that they conducted a search of their case management system and their computer-stored files for records responsive to the complainant’s request described in paragraph 2, above. It is found that any records that were maintained by the respondents in connection with the complainant’s parole hearing were stored within the respondents’ case management system or elsewhere on their computer system.

12. It is found that the respondents, in their June 6, 2025 letter described in paragraph 10, above, informed the complainant that, with respect to the following items of his request described in paragraph 2, above:

- a. Item #4 – “The State’s Attorney did not provide any reports or documents in preparation for your hearing.”
- b. Item #5 – “Mental Health professionals did not provide any testimony in preparation for your hearing.”
- c. Items #10 and #11 – “Please contact the Office of Victim Services as the Board does not have this information.”
- d. Item #13 – “The State’s Attorney did not provide any reports or documents in preparation for your hearing. The testimony can be located via the recording of the hearing.”
- e. Item #20 – “There are no responsive documents to your request. You will be provided with the only Decision Information Summary located in your file.”

13. It is found that with respect to those portions of the complainant’s request described in paragraph 12, above, the respondents’ search described in paragraph 11, above, was reasonably diligent and thorough.

14. It is found, therefore, that the respondents did not maintain records responsive to the portions of the complainant’s request described in paragraph 12, above.

15. With respect to Item #6 of the complainant’s request described in paragraph 2, above, the respondents instructed the complainant to “[p]lease contact the [DOC]’s [FOI] Unit for this information.”

16. At the January 9, 2026 hearing in this matter, the respondents could not testify as to what extent they searched for Item #6 of the complainant’s request described in paragraph 2, above, if they searched at all.

17. The respondents, however, averred that because such records originated from another state agency, they were not obligated to provide him with records responsive to Item #6 of his request described in paragraph 2, above.

18. Specifically, the respondents cited §4-67dd, G.S., which in relevant part, provides:

[a]ny person requesting data, records, or files, that have been shared by one state agency with another state agency pursuant to any statute, regulation, data sharing agreement, memorandum of agreement or understanding or court order, including, but not limited to, a request made pursuant to the Freedom of Information Act, as

defined in section 1-200, shall direct such request to the state agency from which such data, records or files originated.²

19. The Commission takes administrative notice of the fact that both the respondent Board of Pardons and Paroles as well as the other agencies identified in paragraph 11, above, are state agencies within the meaning of §4-67dd, G.S.³

20. Pursuant to §54-125a(g)(3), G.S.,

[w]henever a person becomes eligible for parole release pursuant to this subsection, the board shall hold a hearing to determine such person's suitability for parole release. At least twelve months prior to such hearing, the board shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's eligibility for parole release pursuant to this subsection. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 if such person is indigent. At any hearing to determine such person's suitability for parole release pursuant to this subsection, the board shall permit (A) such person to make a statement on such person's behalf, (B) counsel for such person and the state's attorney to submit reports and other documents, and (C) any victim of the crime or crimes to make a statement pursuant to section 54-126a. ***The board may request testimony from mental health professionals or other relevant witnesses, and reports from the Commissioner of Correction or other persons, as the board may require.*** The board shall use validated risk assessment and needs assessment tools and its risk-based structured decision making and release criteria established pursuant to subsection (d) of section 54-124a in making a determination pursuant to this subsection.

(Emphasis added).

21. It is found that Item #6 of the complainant's request unambiguously seeks records sent from the DOC to the respondents, both of whom are state agencies. It is also found that the

² The language codified in §4-67dd, G.S., was proposed during the General Assembly's February 2024 Session as Senate Bill 256, and was signed into law by the Governor on May 30, 2024. See Public Act 24-81, §99. The Commission opposed Senate Bill 256, noting its concerns that the legislation: (i) was overly broad; (ii) would inhibit the public's ability to directly access public records from a "receiving" state agency that were transmitted from an "originating" (i.e., sending) state agency; (iii) would cause delays in the processing of records requests; and (iv) would impact the public's ability to determine whether the sharing of records by state agencies is being conducted in compliance with federal and state laws.

³ Section 4-67n, G.S., defines a "state agency" to mean "any office, department, board, council, commission, institute, constituent unit of the state system of higher education, technical education and career school or other agency in the executive, legislative or judicial branch of state government."

scope of Item #6 was expressly limited to those records shared in connection with the complainant's parole hearing. It is further found that §54-125a(g)(3), G.S., expressly authorizes that such records be shared with the respondents from the DOC. Accordingly, it is found that Item #6 of the complainant's request described in paragraph 2, above, *on its face*, seeks records: (i) that originate with a state agency other than the respondents (i.e., Department of Correction); and (ii) were shared with the respondents pursuant to a statute (i.e., §54-125a(g)(3), G.S., as part of the complainant's parole hearing.)

22. Accordingly, it is found that, pursuant to §4-67dd, G.S., the respondents were not obligated to provide copies of records responsive to Item #6 of the complainant's request described in paragraphs 2 and 15, above.

23. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request described in paragraph 2, above.⁴

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 13, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

⁴ The Commission notes that §4-67dd(b), G.S., provides that:

[n]otwithstanding the provisions of chapter 14, if a state agency that is not the originating state agency receives a request for data, records or files as described in subsection (a) of this section, such state agency shall (1) promptly refer such request to the state agency from which such data, records or files originated, and (2) notify, in writing, the person who submitted the request for such data, records or files that such request has been referred to the originating state agency. Such written notification shall include the name, address and telephone number of the originating state agency and the date on which the referral was made to the originating state agency.

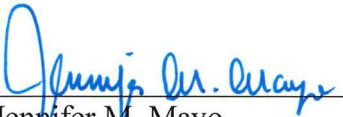
There is no indication in the administrative record that the respondents referred any portion of the complainant's request described in paragraph 2, above, to any of the originating state agencies as is required by §4-67dd, G.S. The respondents are cautioned that, in the future, they must comply with all provisions of §4-67dd, G.S., including the referral and notice provisions of subsection (b), thereof.

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:

ANDRES SOSA, #260589, Osborn Correctional Institution, 335 Bilton Road, Somers, CT 06071

CHAIRPERSON, STATE OF CONNECTICUT, CONNECTICUT BOARD OF PARDONS AND PAROLES; AND STATE OF CONNECTICUT, CONNECTICUT BOARD OF PARDONS AND PAROLES, c/o Attorney Colin Milne, Department. of Emergency Services and Public Protection, 1111 Country Club Road, Middletown, CT 06457



Jennifer M. Mayo
Acting Clerk of the Commission