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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Umar Shahid,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-472

Commissioner, State of Connecticut,
Department of Correction; and State of
Connecticut, Department of Correction,
Respondent(s)

May 14, 2013

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, June 12, 2013**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE May 31, 2013**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE May 31, 2013**. PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE May 31, 2013**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Umar Shahid
James E. Neil, Esq.
cc: Kristine Barone

5/14/13/FIC# 2012-472/Trans/wrbp/LFS/VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Umar Shahid,

Complainant

against

Docket #FIC 2012-472

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

Respondents

May 6, 2013

The above-captioned matter was heard as a contested case on April 23, 2013, at which time the complainant and respondents appeared 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 et al, 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 July 30, 2012, the complainant requested a copy of the following records:
 - a. Contract with inmate legal assistance,
 - b. Contract with inmate trust fund,
 - c. Classification manual,
 - d. Cost of incarceration daily,
 - e. Cost of my incarceration and made payable to whom,
 - f. List of infrastructure chart with names of all personnel,
 - g. Civilian compliant policy procedure against DOC employees,
 - h. Chain of command list pursuant to A.D. 916,
 - i. Name of insurance carrier I'm under and state employees,
 - j. List of all contract vendors,
 - k. Dental services contract with UConn Medical.

3. By letter of complaint filed August 28, 2012, the complainant appealed to the Freedom of Information ("FOI") Commission, alleging that the respondents violated the FOI Act by failing to provide him with a copy of the records he requested.

4. Section 1-200(5), G.S., defines "public records" as follows:

Public 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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides, in relevant part:

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 by any law or by any rule or regulation, shall be public records and every person shall have the right to ... receive a copy of such records in accordance with the provisions of section 1-212.

6. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. It is concluded that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. With respect to the complainant's request for records described in paragraph 2.a, it is found that the respondents provided such records to the complainant.

9. With respect to the records described in paragraphs 2.b, d, e, f, g, i, j, and k, it is found that either such records do not exist or that the respondents do not maintain such records.

10. With respect to the records described in paragraph 2.c, above, it is found that the respondents provided some pages of the manual used to classify inmates according to security risk. The respondents claim the remainder are exempt pursuant to §1-210(b)(18), G.S.

11. Section 1-210(b)(18), G.S., exempts from disclosure:

Records, the disclosure of which the Commissioner of Correction ... has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction ... Such records shall include, but are not limited to: ... (G) Logs or other documents

that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities[.]

12. It is found that the manual requested by the complainant is a document that contains information on the assignment of inmates at correctional institutions. In addition, it is found that the commissioner has reasonable grounds to believe that disclosure of inmate classification criteria may result in a safety risk in a correctional institution, within the meaning of §1-210(b)(18), G.S.

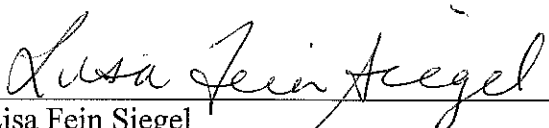
13. It is concluded that the information withheld by the respondents is exempt from disclosure.

14. With respect to the complainant's request, described in paragraph 2.h, above, it is found that the respondents provided the complainant with their organizational chart as of the date of his request, which he received on December 12, 2012.

15. It is found that the complainant sent his FOI request to the commissioner and not to the FOI liaison of the facility where he was living, causing delay in the respondents' compliance. It is found, in addition, that the complainant's transfer during the time that his request was pending also delayed the respondents' compliance.

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.



Lisa Fein Siegel
as Hearing Officer