

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Todd Steigman,

Complainant

against

Docket #FIC 2018-0349

Commissioner, State of Connecticut,  
Department of Children and Families;  
and State of Connecticut, Department  
of Children and Families,

Respondents

April 10, 2019

The above-captioned matter was heard as a contested case on August 27, 2018 and October 4, 2018, at which times the complainant and the respondents 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 respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated March 12, 2018, the complainant requested that respondents provide him with copies of the following records:
  - a. All emails sent to and received from DCF email accounts and individuals from August 1, 2017 through present date:
    - i. DCF Administration email account;
    - ii. DCF Human Resources email account;
    - iii. DCF Commissioner email account;
    - iv. Eileen Meehan;
    - v. Joette Katz, including but not limited to the [JK.DCF@CT.GOV](mailto:JK.DCF@CT.GOV) email address;
    - vi. Maureen Duggan;
    - vii. Elizabeth Duryea;
    - viii. Gary Kleeblat;

- ix. Cindy Butterfield;
  - x. Fernando Muniz;
  - xi. Michael Williams;
  - xii. Kristina Stevens;
  - xiii. Barbara Claire;
  - xiv. Rose Brown ([rose.e.brown@ct.gov](mailto:rose.e.brown@ct.gov) email address);
  - xv. Kathy Costello;
  - xvi. Valter Borges;
  - xvii. Natalia Sierra-Milan;
  - xviii. Skip Burnham;
  - xix. Deb Ennis;
  - xx. Jodi Hill-Lilly.
- b. During the time period of January 1, 2016 through June 30, 2016, all public records, emails, and communications to or from the following individuals regarding Anastasi Pych, Rose Brown, issues relating to the duties/position of Assistant HR Director at DCF, or issues relating to Rose Brown's transfer from OLR to DCF:
- i. Rose Brown;
  - ii. Joette Katz;
  - iii. DCF Commissioner email account;
  - iv. DCF Human Resources email account;
  - v. Eileen Meehan;
  - vi. Maureen Duggan;
  - vii. Melody Currey;
  - viii. Nicholas Hermes;
  - ix. Lisa Grasso Egan;
  - x. Diane Roberts.
- c. All emails, communications and documents sent by Rose Brown via email to DCF Principal Human Resources Specialists regarding Working Test Periods and 'Drops' from January 1, 2017 through January 26, 2018, including but not limited to communications regarding the procedure and form to be utilized when reviewing or effectuating a drop/fail in a working test period.
- d. All text messages from the following DCF individuals' cell phones from August 1, 2017 through present date:
- i. Eileen Meehan;

- ii. Maureen Duggan;
  - iii. Cindy Butterfield;
  - iv. Joette Katz;
  - v. Elizabeth Duryea.
- e. All DCF Human Resources Policies and all DCF Employee policies.
  - f. Audio recordings, transcripts and minutes of all SAM meetings from 1/1/2017 through present date.
  - g. Audio recordings, transcripts and minutes of any DCF meeting from 1/1/2017 through present date [at] which Commissioner Katz was in attendance.

**Electronic files and folders from network drives:**

- h. HR Shared Drive/Personnel Shared/Transfer Impact Spreadsheet – all folders and files which existed and were created, saved or modified from July 1, 2017 to present date.
- i. HR Shared Drive/Personnel Shared/Recruitment/Applicant spreadsheets – all folders and files which existed and were created, saved or modified from July 1, 2017 to present date, excluding home addresses of candidates or DCF employees.
- j. HR Shared Drive/Personnel Shared/Labor Relations/CHRO – all 2017 and 2018 folders/files.
- k. HR Shared Drive/Personnel Shared/Labor Relations/ all stipulated agreements in 2016, 2017 and 2018.
- l. HR full Staffing reports with detail for September 1, 2017 through Present Date.

**Public Documents, CORE-CT and Employee Records:**

- m. List of and copies of all CORE-CT screens, excluding home address and dependent/benefit screens, of all employees who were dropped in their Working Test Periods for any reason (including drops, failure of working test period, removal from during (sic) working

test period for any reason, or resignation or transfer during working test period) from January 1, 2012 through the present date. The documents and records should include but not be limited to:

- i. Indication of whether they were dropped from a promotional, lateral WTP<sup>1</sup> or an initial WTP;
  - ii. Classification they dropped from and classification they dropped to (from WTP) upon drop and the effective dates;
  - iii. CORE-CT screens which indicate if the individual who dropped from the WTP was a SEBAC, Reemployment List candidate hire, a hire or transfer candidate, a promotional or demotion, or a newly hired employee;
  - iv. The Salary Pay Plan (i.e., MP-66, SH 24, etc.) pay grade and step, name, position, classification and work location both immediately prior to the time of drop from their WTP and then subsequent to the drop from WTP.
- n. CORE-CT and public record to include a listing of all promotions which occurred from January 1, 2012 through present date. The listing and records should include the following information:
- i. Name of the Individual, their classification prior to promotion, the classification promoted to, salary plan and grade upon promotion, and the promotion effective date;
  - ii. Copies of each service rating, PARS and/or performance evaluation issued during or upon completion of the promotional WTP for each individual identified above.
- o. All notes, documents, supervisory notes and Supervisory Agendas and memos, emails, and other records and communications regarding Fernando Muniz' supervision of Rose Brown from September 1, 2017 through present date.
- p. All notes, documents, supervisory notes and Supervisory Agendas and all memos, emails and other

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<sup>1</sup> "WTP" is the acronym for working test period.

records and communications regarding Cindy Butterfield's supervision of Rose Brown from September 1, 2017 through the present date.

- q. All performance counselings (sic), memo of expectations or disciplinary actions which were issued to Rose Brown by DCF related to her performance from September 1, 2017 through the present date.
- r. A copy of Rose Brown's personnel file.
- s. A copy of all disciplinary actions issued to and/or contained in the personnel files of:
  - i. Barbara Clair;
  - ii. Maureen Duggan;
  - iii. Denise Landry;
  - iv. Any DCF employee in EA, EX and MP classifications during the last 10 years.
- t. Rose Brown's outlook calendar for 2017 and 2018.
- u. All email communications and public documents to or from DCF Human Resources personnel or other personnel from August 1, 2017 through the present date which contained or referenced Pending 300 logs, HR Action Reports, Staffing Reports, Vacancy Reports, New Hire Reports and Termination/Retirement/Separation reports.
- v. CORE-CT print screens and position screens, including word document of justification for PCN 109464 reclass request from labor relations specialist to HR Admin 3 effective 9/15/2017.
- w. All CORE-CT print screens and position related screens, including word document and comments, related to PCN 109464 from March 1, 2016 through the present date.
- x. All documents, folders and files contained in Rose Brown's "U" Drive.
- y. All documents, folders and files contained in Eileen Meehan's "U" Drive.

- z. All electronic documents created and/or saved or modified by Eileen Meehan on any drive or network, including but not limited to U and S drives from August 1, 2017 through the present date.
- aa. All organizational charts from January 2017 through the present date, including those which were replaced or later modified during this time period for the following:
  - i. Commissioner's Office/Direct Reports;
  - ii. Deputy Commission Administration's Division/Direct Reports;
  - iii. Fiscal Division;
  - iv. Human Resources Division;
  - v. Legal Division;
  - vi. Engineering Division;
  - vii. IT/IS Division;
  - viii. Academy for Workforce Development Division.

(Bold headings provided in the original).

3. It is found that, by letter dated March 14, 2018, the respondents acknowledged the complainant's request.

4. It is found that, by letter dated May 16, 2018, the respondents informed the complainant that, with regard to the overall request, they anticipated that each individual who would be involved in compiling the requested records could devote approximately two hours per week to the task. It is found that the respondents further informed the complainant that, with regard to the request set forth in paragraph 2.a, above, they believed that this request alone would involve a review of two million pages of emails.<sup>2</sup> The respondents suggested that the complainant provide key word searches to help narrow this request. With regard to the request set forth in paragraph 2.f, above, it is found that the respondents informed the

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<sup>2</sup>At the hearing, the respondents acknowledged that their May 16<sup>th</sup> letter indicated that running the email search set forth in paragraph 2.a, above, would involve a review of 2 million "emails"; however, the respondents corrected this statement by testifying that running this search would involve a review of 2 million "pages." The Commission notes that, because the request in paragraph 2.a, above, involves a request for emails, the respondents were required to work with the Bureau of Enterprise Systems & Technology or "BEST." BEST maintains the respondents' emails and, when requested to do so, BEST will run the emails searches, gather the requested emails and forward the records to the respondents in a "Personal Storage Table" or .PST format. Once the respondents receive the records from BEST, it is found that they have to download the records onto their system in a "Portable Document Format" (or PDF format) in order to be able to redact them. Finally, the Commission notes that the estimate of how many pages would be involved in processing the request set forth in paragraph 2.a, above, issued from BEST.

complainant that they could provide the minutes from all relevant meetings, but that they did not possess the technology to redact the requested audio records; however, written transcripts of the audio records could be provided upon request and payment. With regard to the request set forth in paragraph 2.m, above, it is found that the respondents informed the complainant that this request would be very labor intensive and would involve the respondents' data system time as well as personnel time. The respondents informed the complainant that they could dedicate two hours per week of staff and system time to fulfill this request. With regard to the request set forth in paragraphs 2.x and 2.y, above, it is found that the respondents informed the complainant that there existed over 2.5 million pages in the combined "U" drives of Rose Brown and Eileen Meehan. The respondents inquired whether the complainant would be willing to provide key word searches in order to facilitate the processing of this request. Finally, it is found that the respondents specifically informed the complainant that he should not construe any part of the May 16<sup>th</sup> correspondence as a denial of the request.

5. It is found that, by letter dated June 8, 2018, the complainant reissued the request set forth in paragraph 2, above, to the respondents.

6. It is found that, by letter dated June 22, 2018, the respondents provided the complainant an update with regard to the status of his request. It is found that, at that time, the respondents had already provided the complainant with three installments of responsive records.

7. It is found that, by letter dated June 29, 2018, the respondents provided the complainant a second update with regard to the status of his request. It is found that, at that time, the respondents had provided the complainant with four installments of responsive records.

8. By letter dated and filed July 3, 2018, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide him with copies of all of the requested records.

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

"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, 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, printed, photostated, photographed or recorded by any other method.

10. Section 1-210(a), G.S., provides in relevant part 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 by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

11. 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.”

12. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), 1-212(a), G.S., and must be disclosed unless they are exempt from disclosure.

13. At the first contested case hearing, the complainant indicated that he had received some responsive records and, in fact, that some requests had been satisfied. However, the complainant contended that, with regard to other requests, he believed that there should be more responsive records. Finally, the complainant contended that some requests had not been satisfied at all.

14. Attorney Charlotte Shea, the respondents’ Assistant Legal Director, and Kathy Costello, the respondents’ paralegal, appeared and testified at both contested case hearings.

15. It is found that, at the time of the first contested case hearing, the respondents had fully satisfied the following twelve requests: Request ¶¶ 2.c; 2.e; 2.g; 2.o; 2.p; 2.q; 2.r; 2.s; 2.t<sup>3</sup>; 2.v<sup>4</sup>; 2.w<sup>5</sup>; and 2.aa, above.

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<sup>3</sup> As an example of the work that the respondents had already completed by the time of the first contested case hearing, the hearing officer notes that, in producing the records responsive to the requests set forth in paragraphs 2.o through 2.t, above, the respondents searched through notes, documents, supervisory notes and supervisory agendas and memos, emails and other records and communications of both Fernando Muniz and Cindy Butterfield. The review of Mr. Muniz’s records revealed that he did not maintain any responsive records, while the search of Ms. Butterfield’s records did reveal responsive records, which records were disclosed to the complainant on February 28, 2018 (a date which precedes the date of the operative request in this case). In addition, the hearing officer notes that the respondents gathered and disclosed to the complainant all of the records pertaining to performance counseling, memoranda of expectation or disciplinary letters issued to Rose Brown, as well as the records contained in Ms. Brown’s personnel file. In addition, the hearing officer notes that the respondents searched the personnel files of Barbara Claire, Maureen Duggan, Denise Landry and all DCF employees in the EA, EX and MP classifications *during the last 10 years* and disclosed all of the records requested by the complainant. Finally, the hearing officer notes that Rose Brown’s outlook calendars for the 2017 and 2018 had also been disclosed to the complainant by the time of the first contested case hearing.

<sup>4</sup> During the first contested case hearing, the complainant represented that the request set forth in paragraph 2.v, above, had been satisfied. However, during the second contested case hearing, the



16. With regard to the request set forth in paragraph 2.a, above, it is found that, at the time of the first contested case hearing, the following had occurred: First, the complainant had withdrawn his request for Gary Kleeblat emails, (see Request ¶2.a.xiii, above). Second, the complainant had provided key word searches for the emails of the following seven individuals: Request ¶2.a.xi (Michael Williams); 2.a.xii (Kristina Stevens); 2.a.xv (Kathy Costello); 2.a.xvi (Valter Borges); 2.a.xviii (Skip Burnham); 2.a.xix (Deb Ennis); and 2.a.xx (Jodi Hill-Lilly), above. Third, the complainant had refused to provide key word searches for the emails of the remaining 12 individuals identified in this request.

17. It is further found that, upon receipt of the key word searches for the seven individuals identified in paragraph 16, above, the respondents instructed BEST to run the searches. It is further found that BEST did run key word searches, but, as of the date of the first contested case hearing, BEST had not yet forwarded the responsive records to the respondents. It is further found that the respondents instructed BEST to run the searches for the remaining twelve individuals identified in the request set forth in paragraph 2.a, above, without using key word searches.

18. At the second contested case hearing, Ms. Costello updated the hearing officer on that status of the request set forth in paragraph 2.a, above. First, it is found that, following the first contested case hearing, the respondents received a request from the complainant to prioritize the request set forth in paragraph 2.a.xiv, above, which request seeks copies of Ms. Rose Brown's emails (both sent and received).<sup>6</sup> It is found that respondents contacted BEST to perform this search.<sup>7</sup> Once the search was complete, Ms. Costello attempted to download

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complainant questioned the sufficiency of the records provided to him in response to this request. Specifically, the complainant contended that he never received any "word documents" setting forth the justification for the reclassification request to the respondents' HR Administrator. See Ex. G, at 2. The respondents represented that their Chief IT Security Officer Brian Edwards was conducting additional searches for responsive "word documents." It is found that the additional searches were conducted, and, by letter dated October 25, 2018, the respondents forwarded the complainant these additional records.

<sup>5</sup> During the first contested case hearing, the complainant represented that the request set forth in paragraph 2.w, above, had been satisfied. However, during the second contested case hearing, the complainant questioned whether there were any "word documents" responsive to this request. The respondents represented that they had forwarded this request to an individual in their Human Resources Department to determine whether any such word documents exist.

<sup>6</sup> The Commission notes that Ms. Brown's last day of state service was January 26, 2018. Accordingly, the timeframe for the request for Ms. Brown's emails spans from August 1, 2017 through January 26, 2018. (See ¶2.a.xiv, above).

<sup>7</sup> In fact, with regard to the entire request set forth in paragraph 2.a, above, by the time of the second contested case hearing, BEST had run all of the necessary searches, gathered all of the requested emails and forwarded all of the records to the respondents, and the respondents were in the process of downloading these records for review and redaction. It is found that, with regard to the seven individuals for whom the complainant provided key word searches, the respondents received 2,284 responsive emails from BEST. In addition, with regard to the other individuals for whom search terms were not provided, it is found that the respondents received the following amounts of emails from BEST: DCF Administration email account: 3 emails; DCF Human Resources email account: 750 emails; DCF Commissioner email account: 4,100 emails; Eileen Meehan: 18,000 emails; Joette Katz: 19,500 emails; Maureen Duggan: 34,500; Elizabeth Duryea: 21,500 emails; Cindy Butterfield:

to the DCF server the file containing Ms. Brown's sent emails, which file contained approximately 8,900 emails. It is found that Ms. Costello attempted the download several times, but each time her system froze. Thereafter, it is found that Ms. Costello enlisted the assistance of DCF's Chief IT Security Officer Brian Edwards. It is found that this particular file proved too large to download at one time. Thereafter, Ms. Costello attempt to download the records contained in this file in smaller blocks. Ultimately, it is found that Ms. Costello was able to download 5 business days of Ms. Brown's sent email. This download, which contained Ms. Brown's sent emails from January 20, 2018 through January 25, 2018, contained of 247 emails spanning 404 pages. It is found that it took approximately five hours for Ms. Costello to review these records. It is further found that, on October 3, 2018, these records were disclosed to the complainant. It is further found that, at the time of the second contested case hearing, Ms. Costello was working on a second week's worth of Ms. Brown's sent emails. It is found that this download, which contains Mr. Brown's sent emails from January 15, 2018 through January 19, 2018, contains of 260 emails spanning 1,700 pages. Ms. Costello testified that she believes that the page number of the second download is larger due to the size of attachments contained within the emails.<sup>8</sup>

19. Overall, it is found that the respondents are actively processing the request set forth in paragraph 2.a, above. It is found that, based on the prioritization set by the complainant, the respondents will first complete the processing of the request for Ms. Brown's emails (both sent and received). The Commission recommends that, when the respondents have completed processing Ms. Brown's emails, the complainant designate the next person whose emails should be processed.

20. With regard to the request set forth in paragraph 2.b, above, it is found that, at the time of the first contested case hearing, the complainant had received some responsive records, but he believed that he should have received more. The complainant requested that the respondents re-search Eileen Meehan's and Diane Robert's records, as well as run five (new) key word searches to ensure that all responsive records had been captured.

21. It is found that, following the first contested case hearing, the respondents contacted BEST and requested that it re-search Ms. Meehan's and Ms. Robert's emails, and perform the requested key word searches. By the time of the second contested case hearing, BEST had completed these searches. It is found that that Ms. Costello had downloaded the new search results, which consisted of 464 emails, but she had not yet had an opportunity to review these records.

22. With regard to the request set forth in paragraph 2.d, above, it is found that, at the time of the first contested case hearing, the complainant had received the text messages for

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45,000; Fernando Muniz: 3,100 emails; Barbara Claire: 1,400 emails; Rose Brown: 25,000 emails; and Natalia Sierra-Milan: 21,500 emails.

<sup>8</sup> Subsequent to the contested case hearings, the respondents filed status updates with the hearing officer concerning the progress they were making in disclosing responsive records to the complainant. It is found that, on October 24, 2018, the respondents disclosed these emails to the complainant. It is further found that, on November 8, 2018, Ms. Brown's sent emails from January 7, 2018 through January 14, 2018 were disclosed to the complainant.

Eileen Meehan, but had not received text messages for the remaining four individuals (Maureen Duggan, Cindy Butterfield, Joette Katz and Elizabeth Duryea).

23. At the first contested case hearing, Attorney Shea testified that she believed that the cell phones for the remaining four individuals may have been updated and the old phones “wiped” clean. It is found that, at such time, the respondents were still working to determine whether they could capture the text messages requested by the complainant. It is found that, at the time of the second contested case hearing, the respondents had disclosed to the complainant a responsive text message contained on Ms. Duggan’s cell phone and all responsive text messages on Ms. Meehan’s phone, with the exception of one text message, which they claimed was exempt because it pertained to contract negotiations. The respondents testified that they believed the remaining phones had been wiped clean when the new cell phones were issued. However, it is found that, subsequent to the contested case hearings and by email dated February 5, 2019, the respondents informed the complainant that they had located Commissioner Katz’s cell phone and had determined that it had not been wiped clean. The respondents represented that they were going to extract the text messages from the phone, review them for exempt information and disclose all non-exempt texts messages to the complainant.

24. With regard to the request set forth in paragraph 2.f, above, it is found that, at the time of the first contested case hearing, the complainant had received the minutes for all of the responsive senior administrative management (or “SAM”) meetings, but that he had not received the requested audio recordings.

25. With regard to the requested SAM audio recordings, it is found that there are over 50 hours of responsive audio recording. It is further found that, at the time of the first contested case hearing, the respondents had reviewed a sampling of these recordings and had determined that approximately 60 percent of these records contain confidential DCF case information—particularly juvenile information. It is further found that DCF does not maintain the software to redact these audio records. Based on this limitation, it is found that the respondents offered to provide the complainant with redacted transcripts of these records. It is found that, at the time of the second contested case hearing, the complainant had not elected to have the audio tapes transcribed.

26. With regard to the requests set forth in paragraphs 2.h; 2.i; 2.j; 2.k; and 2.l, above, it is found that, at the time of the first contested case hearing, the complainant had received some of the “directory” information pertaining to the identified electronic files and folders, but had not received the actual content of the files and folders.

27. It is found that the respondents provided the complainant with the directory information for the requests identified in paragraph 26, above, so that the complainant could see that these electronic records are contained in 117 different folders and that each folder contains multiple files, of varying sizes. It is further found that respondents provided the complainant with this overview with the hope that the complainant would be able to identify more precisely what records he wanted. However, it is found that the respondents remain willing to provide each and every record contained in the 117 folders to the complainant;

however, if the complainant determines that he requires the entirety of these folders, it is found that the respondents could work on fulfilling this request 2 hours per week and disclose the non-exempt records on a rolling basis. It is found that, as of the time of the second contested case hearing, the complainant had not indicated to the respondents whether a complete folder and file disclosure would be necessary or whether, based on the overview provided, the complainant could (and would) identify certain records that he wanted the respondents to disclose.

28. With regard to the requests set forth in paragraphs 2.m and 2.n, above, it is found that, at the time of the first contested case hearing, the complainant had not received any responsive records. The complainant contended that it was his belief that these two requests could be satisfied by running a report in the respondents' CORE-CT system, which report he believed could be run and completed in approximately 10 minutes.

29. Based on Attorney Shea's testimony, it is found that the respondents Human Resources ("HR") Department would be the entity responsible for gathering the records responsive to the requests set forth in paragraph 28, above. It is found that, at the time of the first contested case hearing, the respondents' HR department had tried to gather all of the records responsive to these requests and provide them to the complainant on a spreadsheet. However, it is found that this effort failed. It is further found that, since such time, the respondents had determined that responding to these requests would entail gathering records concerning 221 different employees, and would result in a production of approximately 35,000 screenshots for each request. In fact, it is found that, on a break during the second contested case hearing, an agent from the respondents' office hand-delivered to the complainant a disc containing a spreadsheet containing 35,000 screenshots along with an index, which records were responsive to the request set forth in paragraph 2.m, above. The respondents represented that they are willing to produce a separate spreadsheet for the records responsive to the request set forth in paragraph 2.n, above. It is found, in this regard, that the respondents informed the complainant that they could work on fulfilling this request 2 hours per week and disclose the non-exempt records on a rolling basis.

30. With regard to the request set forth in paragraph 2.u, above, it is found that, at the time of the first contested case hearing, the complainant had received many of the responsive records (most of which were emails). It is found that, subsequent to receiving the responsive records, the complainant informed the respondents that some of the attachments contained in the emails had not been disclosed to him, and he requested that these records be disclosed to him.

31. It is found that, on the day preceding the second contested case hearing, the respondents re-disclosed the records described in paragraph 30, above, and this time the respondents ensured that the all email attachments were contained in the disclosure.<sup>9</sup> It is found that the processing of the email attachments took approximately twelve hours of Ms.

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<sup>9</sup> Again, the Commission notes that, in order to disclose the email attachments, the respondents were required to request these records from BEST. It is found that the BEST extracted the attachments and download them. Once BEST had completed its download, DCF was then able to access the records, download them to its own server, review them and redact them, if necessary.

Costello's time. It is found that, subsequent to both contested case hearings and on November 21, 2018, the respondents disclosed a CD to the complainant containing records that were also responsive to the request set forth in paragraph 2.u, above. Specifically, it is found that the CD contained the following records: "the Pending 300 logs, HR Action Reports, Staffing Reports, Vacancy Reports, New Hire Reports and Termination/Retirement/Separation Reports."

32. With regard to the requests set forth in paragraphs 2.x and 2.y, above, it is found that, at the start of the first contested case hearing, the respondents disclosed to the complainant a directory of the "U" drive contained in Rose Brown's computer and a directory of the "U" drive contained in Eileen Meehan's computer. It is found that the complainant believed that, with the directories, he would now be able to select the actual records that he desired, rather than having the respondents copy all documents, folders and files contained within the drives themselves.

33. Finally, with regard to the request set forth in paragraph 2.z, above, it is found that, at the time of the first contested case hearing, the respondents were still in the process of determining whether they could obtain the records responsive to this request. By the time of the second contested case hearing, the respondents had determined through consultation with Chief IT Security Officer Edwards that they could only capture (and thus gather and disclose) documents "created" by Eileen Meehan, but they could not capture documents "saved or modified" by Eileen Meehan. It is found that, in order to capture documents "saved or modified" by Eileen Meehan the respondents would need a "file level auditing" program, which they did not possess. It is further found that the respondents are only able to search Ms. Meehan's "S" and "U" drives for files that Ms. Meehan created. However, based on the overall testimony with regard to this request, it is found that the respondents remain willing to disclose all records created by Eileen Meehan, which records are located on either Ms. Meehan's "U" drive or "S" drive.

34. Finally, with regard to whether the respondents have acted promptly in responding to the instant request, this Commission has previously 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.

35. While the Commission realizes that not all responsive records have been provided to the complainant, the amount of work the respondents have done in order to produce the volume of records that have been disclosed to the complainant thus far is enormous. The Commission believes that the respondents have worked diligently in this case and in

accordance with the promptness criteria set forth in Advisory Opinion #51.

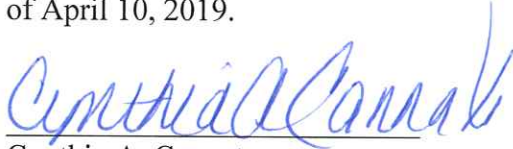
36. The Commission has no doubt that the respondents will continue to process this request and produce responsive records to the complainant. In this regard, the complainant should prioritize for the respondents the order in which he would like the remaining requests processed. Once the request has been completely processed, the complainant may request that all records withheld in the context of the instant matter be disclosed to him, and that all records redacted in the context of the instant matter be disclosed to him without redaction. Anticipating that such a request will be met with a denial, the complainant should feel free to appeal such denial to the Commission, and, in the context of such appeal, the Commission can address all of the respondents' claims of exemption.

37. Accordingly, it is concluded that the respondents did not violate the promptness provisions of §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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 April 10, 2019.



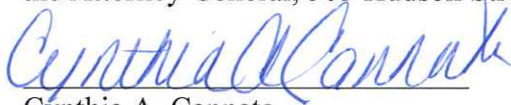
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**TODD STEIGMAN**, Madsen, Prestley & Parenteau, LLC, 402 Asylum Street, Hartford, CT 06103

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CHILDREN AND FAMILIES; AND STATE OF CONNECTICUT, DEPARTMENT OF CHILDREN AND FAMILIES**, c/o Associate Attorney General Charlotte Shea, Office of the Attorney General, 505 Hudson Street, Hartford, CT 06106



Cynthia A. Cannata  
Acting Clerk of the Commission