

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Daunne Blake,

Complainant

against

Docket #FIC 2018-0409

Chief, Fire Department, City of New
Haven; Fire Department, City of New
Haven; and City of New Haven,

Respondents

February 13, 2019

The above-captioned matter was heard as a contested case on October 5, 2018, at which time 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. It is found that the respondents are public agencies within the meaning of §1-200(1), G.S.

2. It is found that, on July 2, 2018, the complainant requested a copy of her “entire personnel file including all evaluations, ... investigation reports and any other documents pertaining to me.”

3. It is found that, on July 2, 2018, the respondent chief acknowledged the complainant’s request and told the complainant that he was sending it to the Director of Training and the Executive Administrative Assistant, who would compile the requested records.

4. By email filed July 30, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide copies of the requested records.

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

6. 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 (1) inspect such records promptly during regular office or business hours, ... or (3) receive a copy of such records in accordance with section 1-212.

7. 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.

8. It is found 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.

9. It is found that the complainant received a copy of responsive records when she appeared for the hearing in this matter.

10. The complainant contended that the respondents did not provide her complete personnel file. In particular, she testified that the records provided by the respondents were missing many evaluations, test results, and the reports of two investigations – one concerning a sexual harassment complaint she filed and the other concerning her use of leave.

11. The respondents presented no evidence concerning the complainant’s allegation that the respondents failed to provide all responsive records. Counsel for the respondents suggested, however, that the sexual harassment report was in the custody of the Department of Human Resources, not the respondent Fire Department. Counsel agreed to provide such report to the complainant.

12. It is found that the respondents failed to prove that they provided all responsive records to the complainant.

13. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S.

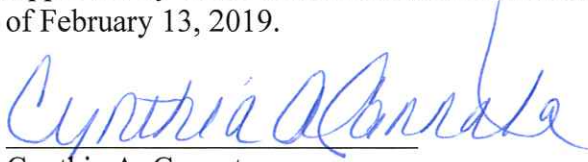
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Forthwith, the respondents shall conduct a diligent search for additional responsive records and provide any additional responsive records to the complainant.

2. If they have not already done so, the respondents shall provide free of charge a copy of all investigative reports concerning the complainant, including reports maintained by the Department of Human Resources.

3. Henceforth the respondents shall comply with §1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 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:

DAUNNE BLAKE, 144 Exchange Street, Apt. B, New Haven, CT 06513

CHIEF, FIRE DEPARTMENT, CITY OF NEW HAVEN; FIRE DEPARTMENT, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Kathleen Foster, Assistant Corporation Counsel, City of New Haven, 165 Church Street, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission