

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Aronow,

Complainant

against

Docket #FIC 2018-0326

Director, Office of Communications,
State of Connecticut, University of
Connecticut; and Office of
Communications, State of Connecticut,
University of Connecticut,

Respondents

January 9, 2018

The above-captioned matter was heard as a contested case on October 2, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This matter was consolidated for hearing with Docket #FIC 2018-0329, Michael Aronow v. President, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut.

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 May 22, 2018, the complainant requested copies of: employment agreements and job title/position for seven named employees affiliated with UConn Health Center and the UConn School of Medicine for 2011 through 2018.

3. By email filed June 18, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide copies of all of the requested records.

4. 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.

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 (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.

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 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.

8. It is found that the respondents’ search for responsive records was performed, with respect to non-faculty employees, by Human Resources IT personnel, and with respect to faculty members, by the Administrative Director for Faculty Affairs. It is found that the search produced 49 pages of responsive records, which were provided to the complainant on June 13, 2018.

9. At the hearing in this matter, the respondents agreed to ask those of the seven employees who are still employed by the respondents to search for additional responsive records.

10. It is found that the respondents conducted another, broader search, and collected another 49 pages of responsive records, which were provided to the complainant. (See Respondents’ Exhibit 1, after-filed.)

11. It is found that the respondents failed to provide all responsive records promptly to the complainant.

12. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., as alleged. Nevertheless, the Commission appreciates the diligence of the respondents’ counsel for his continued attention to the complainant’s request.

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

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

Approved by Order of the Freedom of Information Commission at its regular meeting of January 9, 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:

MICHAEL ARONOW, Orthopedic Associates of Hartford, P.C., 31 Seymour Street, Suite 100, Hartford, CT 06106

DIRECTOR, OFFICE OF COMMUNICATIONS, STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT; AND OFFICE OF COMMUNICATIONS, STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT, c/o Attorney Scott Simpson, UCONN, 263 Farmington Avenue, Suite AG-093 MC-1093, Farmington, CT 06030



Cynthia A. Cannata
Acting Clerk of the Commission