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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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Robert Ravosa,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-679

Freedom of Information Administrator, State of
Connecticut, Department of Correction; and
State of Connecticut, Department of Correction,
Respondent(s)

August 2, 2012

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, August 22, 2012**. 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 August 10, 2012**. 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 August 10, 2012**. **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 August 10, 2012**, 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: Robert Ravosa
Nancy Kase O'Brasky, Esq.

2012-08-02/FIC# 2011-679/Trans/wrbp/SDL/PSP/TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Robert Ravosa,

Complainant

Docket # FIC 2011-679

against

Freedom of Information Administrator,
State of Connecticut,
Department of Correction; and
State of Connecticut,
Department of Correction,

Respondents

August 1, 2012

The above-captioned matter was heard as a contested case on March 21, 2012, at which time the complainant and 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. By letter filed December 16, 2011, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of records responsive to his request in paragraph 6, below.
3. Section 1-200(5), G.S., defines "public records or files" as:

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.
4. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

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

6. It is found that, by letter dated November 11, 2011, the complainant made a request to the respondents for “the names, dates of birth, gender, racial and ethnic backgrounds, of all the individuals promoted to the rank of Correctional Counselor Supervisor for the CT Dept. of Correction, within the last 4 years.”

7. It is found that, by letter dated November 15, 2011, the respondents acknowledged the complainant’s November 11th request, described in paragraph 6, above, and informed him that his request was forwarded to the proper unit for response. It is further found that the parties thereafter corresponded regarding the request up to and including December 13, 2011.

8. It is found that what the complainant seeks in his request is a list of individuals promoted to the rank of correctional counselor supervisor, including all of the criteria described in paragraph 6, above.

9. It is found that no single document containing all of the information sought by the complainant in his November 11th request existed at the time of such request.

10. It is found that the FOI Act does not require public agencies to create records in response to a request.

11. Nevertheless, it is found that, in an effort to assist the complainant, the respondents created a list which included the information requested, except that age was provided in lieu of “date of birth”.

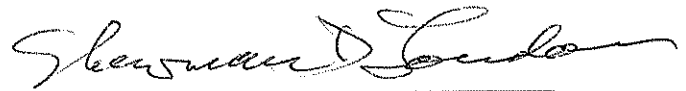
12. At the hearing in this matter, the complainant testified that he nevertheless wished the dates of birth of the individuals listed on the record created for him as described in paragraph 11, above. However, the complainant also testified that he did not wish records from personnel files.

13. It is found that dates of birth are contained in the personnel files of the individuals at issue.

14. Based on the specific facts and circumstances of this case, it is concluded that the respondents did not violate the disclosure provisions of §§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. The complaint is hereby dismissed.



Commissioner Sherman D. London
as Hearing Officer