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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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David Taylor,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2012-720

Director, State of Connecticut, University of  
Connecticut Health Center, Correctional  
Managed Health Care; and State of  
Connecticut, University of Connecticut Health  
Center, Correctional Managed Health Care,  
Respondent(s)

July 18, 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, August 14, 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 August 2, 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE August 2, 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 August 2, 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: David Taylor  
Stephen J. Courtney, Esq.  
cc: Kristine Barone

7/18/13/FIC# 2012-720/Trans/wrbp/LFS/VDH

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FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

David Taylor,

Complainant

against

Docket #FIC 2012-720

Director, State of Connecticut, University  
of Connecticut Health Center, Correctional  
Managed Health Care; and State of  
Connecticut, University of Health Center,  
Correctional Managed Health Care,

Respondents

July 12, 2013

The above-captioned matter was heard as a contested case on May 30, 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 November 26, 2012, the complainant requested paper copies of his echocardiogram and CT scan images of September 26, 2012.
3. It is found that the respondents acknowledged the complainant's request on November 30, 2012.
4. It is found that on December 20, 2012, the respondents informed the complainant that they had gathered the records he requested, consisting of 39 pages. The respondents asked the complainant to remit the statutory fee.
5. By letter of complaint filed December 27, 2012, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with all of the records he requested.
6. 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.

7. 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.

8. 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."

9. 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.

10. It is found that the records that the complainant requested are medical records. It is further found that the complainant did not object to disclosure of such records pursuant to the FOI Act.

11. The complainant contended that the respondents' compliance with his request was incomplete, because they offered him only 39 pages of records and he had viewed 81 pages of records at his last health records review.

12. It is found that the records that the respondents gathered for the complainant in response to his request consist of: a) two pages of echocardiogram findings; b) 26 pages of echocardiogram images, of which there are five thumbnails and one approximately six inch by six inch image on each page; c) eight pages with 11 thumbnail echocardiogram images per page (totaling 81 thumbnails); and d) three pages of CT scan images, consisting of one large image per page.

13. It is found that the respondents were prepared to provide the complainant with all the copies of records that he requested.

14. It is concluded, therefore, that the respondents did not violate §1-210(a), G.S., as alleged.

15. The Commission observes, however, that the thumbnail images are almost all illegible due to the size of the image and the quality of the image reproduced on paper and

copied. It is found that the larger images appear to the medically untrained eye to be much more legible. If the respondents are able to provide larger, more legible copies of the thumbnail images, they should provide such to the complainant, if he agrees to pay any additional statutory fee.

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.

  
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Lisa Fein Siegel  
as Hearing Officer