



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Louise Czar,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2015-744

Commissioner, State of Connecticut, Department of  
Emergency Services and Public Protection, State Police  
Division; and State of Connecticut, Department of  
Emergency Services and Public Protection, State Police  
Division,

Respondent(s)

May 25, 2016

## 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, June 22, 2016**. 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 June 10, 2016**. 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 June 10, 2016**. **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 **fifteen (15) copies** be filed **ON OR BEFORE June 10, 2016**, 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: Louise Czar  
Assistant Attorney General Steven M. Barry  
Assistant Attorney General Steven Parille

2016-05-25/FIC# 2015-744/Trans/wrbp/LFS/VB

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FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Louise Czar,

Complainant

against

Docket #FIC 2015-744

Commissioner, State of Connecticut,  
Department of Emergency Services and  
Public Protection, State Police Division;  
and State of Connecticut, Department of  
Emergency Services and Public Protection,  
State Police Division,

Respondents

May 20, 2016

The above-captioned matter was heard as a contested case on January 11, 2016, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The matter was consolidated for hearing with Docket #FIC 2015-800, Louise Czar v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, State Police Division; and State of Connecticut, Department of Emergency Services and Public Protection, State Police Division.

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 September 28, 2015, the complainant sent a letter to the respondents, asking them whether her driver's license number was used to run a "records check" when she was at Troop L to post a cash bond on September 26, 2015, and, if so, to provide a copy of the record indicating the results of such "records check."
3. It is found that by letter dated October 1, 2015, the respondents acknowledged receipt of the complainant's request, but did not comply with the request at that time.
4. By letter sent by fax and filed November 4, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of the records she requested.
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 all the records requested by the complainants are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that by letter dated October 30, 2015, and received by the complainant on November 9, 2015, the respondents informed the complainant that they searched by the complainant's name and by her driver's license number, but found no records responsive to her request.

10. It is found that on November 30, 2015, the complainant sent an email to the respondents indicating that she was present at Troop L when personnel at the Troop used her driver's license number to perform a search on various criminal databases. It is found that the complainant suggested "further investigation" by the respondents.

11. It is found that on January 5, 2016, the respondents informed the complainant that they had requested guidance from the FBI as to how to proceed with a public records inquiry for disclosure of a printout of a search of the federal National Crime Information Center ("NCIC") database.

12. It is found that on January 7, 2016, the respondents sent an email to the complainant, confirming that a search of criminal computerized databases was performed using her driver's license number. The respondents also provided a copy of the printout that the search produced, redacted of all information except the complainant's name, birthdate, gender, and driver's license number.

13. The complainant challenged the redactions and also claimed that the delay in providing the record to her violated the promptness requirement of the FOI Act.

14. Following the hearing in this matter, the respondents submitted the requested record for in camera inspection. Such record shall be referred to as IC-2015-744-1. The respondents also provided an accompanying "Index to Record Submitted for In Camera Inspection," in which they publicly identified the exempt information as "Search Information."

15. Upon careful review of the in camera record, it is found that the "Search Information" is a copy of a printout of the result of a search of the NCIC database.

16. It is concluded that the printout, as a record obtained from the National Crime Information Center (NCIC) computerized database, is exempt from mandatory disclosure pursuant to §29-164f, G.S., as well as 42 U.S.C. §14616. Commissioner of Public Safety v. FOIC, 144 Conn. App. 821, 76 A.3d 185 (2013); see also Commissioner of Correction v. FOIC; United States of America v. FOIC, 307 Conn. 53, 52 A.3d 636 (2012).

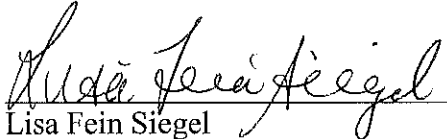
17. With respect to the complainant's allegation that the respondents did not provide the responsive record promptly, it is concluded, based on the cases cited in paragraph 16, above, that §29-164f, G.S. and 42 U.S.C. §14616 operate, pursuant to §1-210(a), G.S., to exempt all of the NCIC printout from disclosure.

18. It is concluded, therefore, that §§1-210(a) and 1-212(a), G.S., does not compel disclosure of any part of the requested record.

19. It is concluded, therefore, that the respondents did not violate the FOI Act as alleged.

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