

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James Boster,

Complainant

against

Docket #FIC 2018-0172

Executive Director, State of Connecticut,  
Commission on Human Rights and  
Opportunities; and State of Connecticut,  
Commission on Human Rights and  
Opportunities,

Respondents

December 19, 2018

The above-captioned matter was heard as a contested case on September 28, 2018, at which time the complainant and the respondents appeared 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. It is found that, in February and March of 2018, the complainant made numerous requests to the respondents for records they maintain.
3. It is found that, during this same time frame, the respondents provided certain records to the complainant in response to his requests, and informed the complainant that other responsive records could not be located or were exempt from disclosure.
4. By letter dated and filed with the Commission on April 11, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information Act by failing to provide copies of all records responsive to his requests.
5. On August 13, 2018, the respondents filed a motion to dismiss the complaint because, they argued, they provided all non-exempt records requested by the complainant to him. The hearing officer denied such motion at the hearing in this matter.
6. Also at the hearing, the complainant stated that he wished to pursue his complaint only with respect to two of the several records requests he made: (a) a March 2, 2018 request for a copy of the Early Legal Intervention ("ELI") database; and (b) a March 27, 2018 request for a

copy of the database referenced in an email, dated February 27, 2018, from Charles Perry to the complainant. The complainant clarified that he was not seeking the actual database, but rather, the information contained in such database.

7. Section 1-200(5), G.S., provides:

‘[p]ublic 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, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

8. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 . . . (3) receive a copy of such records in accordance with section 2-212.

9. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. With regard to the ELI database, it is found that an attorney in the respondents’ legal office had maintained a database, using Microsoft Access, which tracked both open and closed cases that were processed pursuant to the ELI procedure set forth in §46a-83, G.S.

11. Charles Perry, a paralegal in the respondents’ legal office (“Perry”), testified that he attempted to locate the ELI database, but found that it was missing. It is found that Perry sought assistance from the information technology department in locating the database, and was informed that there was a “glitch” with the attorney’s computer, resulting in an inability to access the database.

12. With regard to the database described in paragraph 6(b), above, it is found that the complainant was seeking information contained in the respondents’ Case Tracking System (“CTS”). Specifically, the complainant requested 14 categories of information pertaining to both open (pending) and closed cases in which the University of Connecticut (“UCONN”) is the respondent.

13. It is found that the CTS database contains eight of the 14 fields of information sought by the complainant.

14. It is found that the respondents made copies of the complaints and final dispositions for all closed cases in which UCONN was the respondent, and informed the complainant that, upon payment of the copying fee, the copies would be provided to him. It is found that such records contain eight of the 14 fields of information requested by the complainant. It is further found that the complainant never paid the copying fee and therefore did not receive the copies.

15. It is found that the respondents withheld from the complainant copies of records pertaining to all open cases, based on §46a-83(j), G.S. According to the respondents, that statute prohibits disclosure of any record reflecting the processing of a complaint while such complaint is pending, except to the parties to such complaint. The complainant did not contest the withholding of the complaints in pending cases.

16. However, the complainant argued, at the hearing in this matter, that the respondents must maintain the additional information (fields) he requested somewhere in their offices because such information is contained in an annual "Case Processing Report" issued by the respondent commission for the fiscal year July 1, 2016 to June 30, 2017.

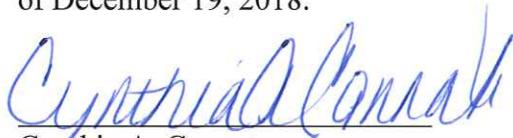
17. The respondents did not dispute that the additional information may be available in other databases they maintain; however, Perry testified, and it is found, that the complainant requested the information contained in the CTS database and that they provided all non-exempt records containing such information to the complainant.

18. Based on the facts and circumstances of this case, it is found that the respondents did not violate §§1-210(a) or 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 dismissed.

Approved by Order of the Freedom of Information Commission at its special meeting of December 19, 2018.



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:

**JAMES BOSTER**, 447 Zaicek Road, Ashford, CT 06278

**EXECUTIVE DIRECTOR, STATE OF CONNECTICUT, COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES; AND STATE OF CONNECTICUT, COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**, c/o Attorney Michael Roberts and Attorney Kimberly A. Jacobsen, Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Suite 2, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission