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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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Priscilla Dickman,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-031

Chief Information Officer, Information
Technology, State of Connecticut, University of
Connecticut Health Center; and State of
Connecticut, University of Connecticut Health
Center,

Respondent(s)

September 24, 2014

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, October 8, 2014**. 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 October 1, 2014**. 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 October 1, 2014**. **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 October 1, 2014**, 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: Priscilla Dickman
Stephen J. Courtney, Esq.

2014-09-24/FIC# 2014-031/Trans/wrbp/LFS//PSP

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FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Priscilla Dickman,

Complainant

against

Docket #FIC 2014-031

Chief Information Officer, Information
Technology, State of Connecticut,
University of Connecticut Health Center;
and State of Connecticut, University of
Connecticut Health Center,

Respondents

September 24, 2014

The above-captioned matter was heard as a contested case on August 29, 2014, at which time the complainant and the 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. It is found that on January 6, 2014, the complainant requested copies of “emails, documents, attachments and letters that contain the terms PD, Priscilla, Dickman, ethics, jewelry, travel, [or] workers that were received or sent by Karen Duffy Wallace ... from January 2004 through December 2013.”
3. By letter filed January 16, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with the records she requested.
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 ... (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 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.

8. It is found that to date the complainant has made more than 30 requests for records from the respondents, and the respondents have reviewed and provided thousands of pages.

9. It is found that the complainant’s request in this case overlaps a great deal with another request she made several years ago. It is found that the complainant requested the emails again because she suspected, and alleged, that the employee whose emails were requested did not provide all responsive emails to the complainant. It is found that the complainant requested in this case that the respondent Chief Information Officer perform the search.

10. It is found that the respondents’ FOI officer referred the complainant’s allegation about the employee’s failure to provide all responsive emails to the respondents’ Human Resources Department, which investigated and found no grounds to substantiate the allegation.

11. It is found that, during the relevant periods, the employee whose emails the complainant requested was the respondents’ director of labor relations. It is found that, based on the time period and the search terms of the request, the respondent FOI officer reasonably anticipated a large number of responsive records that he would need to review for both mandatory and permissive exemptions prior to disclosure.

12. It is found, in addition, that in March 2014, the respondents were ordered by the Commission in Docket #FIC 2013-345; Priscilla Dickman v. Director, State of Connecticut, Health Affairs Planning, Department of Community Medicine and Health Care, University of Connecticut Health Center; and State of Connecticut, University of Connecticut Health Center (March 13, 2014); to search and provide six years of emails of three employees (not the employee targeted in this case) that contained any one term in a list of search terms. The Commission takes administrative notice that the Commission in Docket #FIC 2013-345 ordered the respondents to provide all responsive records to the complainant within 16 weeks of the final decision.

13. It is found that, pursuant to the Commission's order in Docket #FIC 2013-345, the respondents have reviewed and provided over 1800 pages of records to the complainant, along with a detailed redaction log. It is found that the respondents fully complied with the Commission's order in July 2014.

14. It is found that the respondents' FOI officer next turned to another pending request for records by the complainant. It is found that such request generated about 4000 pages of records, of which the FOI officer has reviewed approximately 1200.

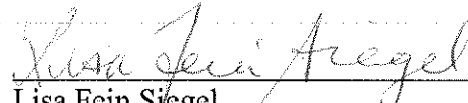
15. It is found that the respondents have not yet begun reviewing records in response to the complainant's request in this matter.

16. The respondents claim, based on the relatively limited resources available to the FOI officer to comply with all FOI requests and the large scope of the complainant's recent requests, that they have not violated the promptness provisions of the FOI Act.

17. It is found, based on the facts and circumstances of this case, that the respondents have not violated the promptness requirements of the FOI Act.

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.


Lisa Fein Siegel
as Hearing Officer