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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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Louise Czar,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-800

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

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 Neil Parille

2016-05-25/FIC# 2015-800/Trans/wrbp/LFS/VB

An Affirmative Action/Equal Opportunity Employer

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 2015-800

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 November 4, 2015, the complainant requested “copies of all 911 calls into Troop L and all seven (7) digit calls into Troop L and all radio traffic into and from Troop L for November 3, 2015 from 19:00 hrs. to 21:30 hrs.”
3. It is found that the respondents acknowledged the complainant’s request on November 5, 2015.
4. By letter filed November 23, 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 on January 4, 2016, the respondents mailed to the complainant a CD containing the radio transmittals and telephone calls redacted to exclude information obtained from the National Crime Information Center ("NCIC") and the Connecticut On-Line Law Enforcement Telecommunications System ("COLLECT") computerized databases. The complainant received the CD on January 6, 2016.

10. It is concluded that the redacted information 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).

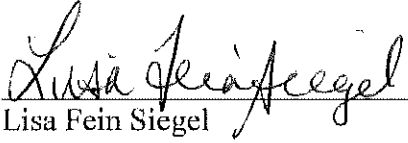
11. The complainant challenges only the timeliness of the respondents' compliance.

12. It is found, based on the respondents' need to redact information obtained from the NCIC and COLLECT database, the demands of the respondents' other business, and the intervening holiday season, that the respondents were not untimely.

13. It is concluded, therefore, that the respondents did not violate the promptness requirement 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 dismissed.



Lisa Fein Siegel
as Hearing Officer