

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Abin Britton,

Complainant

Docket # FIC 2016-0701

against

Commissioner, State of Connecticut,  
Department of Correction; and State of  
Connecticut, Department of Correction,

Respondents

August 23, 2017

The above-captioned matter was heard as a contested case on April 27, 2017, at which time the complainant and respondents appeared, stipulated to certain facts 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 or about September 13, 2016, the complainant made a request to the respondents for “inmate [illegible] Carr legal visit. The only one I need is the one that pertain [sic] to the State Attorney Office or State Inspector.” It is found that the referenced inmate’s first name is difficult to decipher.
3. It is found that on or about September 15, 2016, the respondents informed the complainant that his September 13, 2016 request, described in paragraph 2, above, was unclear and that they were uncertain as to what information was sought.
4. By letter received and filed on October 7, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information Act by failing to provide him with copies of the records requested on September 13, 2016. In his complaint, he identified the records sought on September 13<sup>th</sup> as: “Dates and times of when any and all state’s attorney’s or state inspectors, including but not limited to Regan visited inmate Norman Carr

between the dates 2001-2004.” [Emphasis in original]. In an affidavit appended thereto, he also attested that, as of September 21, 2016, the respondents had neither acknowledged nor provided any records in response to, his September 13<sup>th</sup> request.

5. Section 1-200(5), G.S., defines “public records or files” as:

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 section 1-218, 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 that:

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 . . . (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides in relevant part that “[a]ny 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 the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. At the hearing, the respondents maintained that the original September 13<sup>th</sup> request was unclear. Counselor Ilvento, on behalf of the respondents, testified that he received and reviewed the complainant’s request, and found it difficult to understand as he could not make out the name of the referenced inmate, nor did the request include any locations of correctional facilities, date(s) and time(s) of visits and name(s) of attorneys. Counselor Ilvento also testified that the complainant never responded to his September 15<sup>th</sup> response, described in paragraph 3, above. In addition, counsel for the respondents contended that the complainant needed to be more specific in his request as inmate Carr had been in eight different correctional facilities between 2000 and 2004, and transferred to Florida in 2004.

10. The complainant argued, however, that his September 13<sup>th</sup> request was very clear. He also testified that he received the respondents’ September 15<sup>th</sup> response, described in paragraph 3, above, on September 20, 2016, and immediately sent out a more specific request.

11. It is found that the complainant’s testimony regarding the receipt of the respondents’ September 15<sup>th</sup> response is contrary to the complainant’s affirmations set forth in his affidavit

regarding the respondents' failure to even acknowledge the complainant's September 13<sup>th</sup> request.

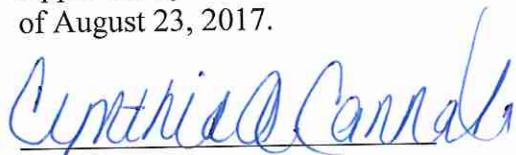
12. It is found that the complainant's original September 13<sup>th</sup> request was unclear as to the records sought and it is further found that the respondents' reply, as described in paragraph 3, above, was a reasonable response to such request.

13. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 23, 2017.




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:

**ABIN BRITTON, #257240**, Garner Correction Institution, 50 Nunnawauk Road, Newtown, CT 06470

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION**, c/o Attorney James Neil, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata  
Acting Clerk of the Commission