

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket #FIC 2016-0024

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

Respondents

October 13, 2016

The above-captioned matter was heard as a contested case on April 28, 2016 at which time the complainant and the 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.).

For purposes of hearing, the above-captioned matter was consolidated with Docket #FIC 2016-0023, John Kaminski v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction; and Docket #FIC 2016-0025, John Kaminski v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction. Both of those matters, however, were withdrawn by the complainant prior to the hearing.

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 by letter dated January 4, 2016, the complainant submitted a request to the respondents for a copy of a November 20, 2014 video recording.
3. By letter dated January 7, 2016, and filed on January 12, 2016, the complainant appealed to this Commission alleging that the respondents violated the

Freedom of Information (“FOI”) Act by failing to comply with his request for a copy of the November 20, 2014 video recording.

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, 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.

5. 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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

6. 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.”

7. It is found that the video recording requested in the complainant’s January 4, 2016 letter is the same recording that was at issue in Docket #FIC 2015-051, John Kaminski v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction. The Commission takes administrative notice of the administrative record and final decision in that matter.

8. In Docket #FIC 2015-051, the Commission found that the November 20, 2014 video recording was erased pursuant to the respondents’ thirty-day retention policy and no longer exists.

9. At the hearing in this matter, the complainant explained that he requested the video recording again because he had been informed by a staff member of the respondent department that all video recordings from the prison are streamed to the respondent department’s central office in Wethersfield and are maintained there.

10. It is found that no video recordings from any of the prisons are streamed to the respondent department's central office in Wethersfield and that no video recordings from any of the prisons are maintained there.

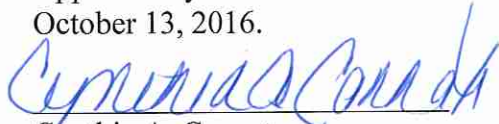
11. It is found, again, that the November 20, 2014 video recording was erased pursuant to the respondents' thirty-day retention policy and no longer exists.

12. Therefore, it is concluded that the respondents did not violate the disclosure provisions of the FOI Act as alleged by the complainant.

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 October 13, 2016.



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:

John Kaminski #241124 David Taylor #272912
MacDougall-Walker Correctional Institution
1153 East Street South
Suffield, CT 06080

Commissioner, State of Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
c/o James Neil, Esq.
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission