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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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Vernon Leftridge,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-233

Commissioner, State of Connecticut,
Department of Social Services; and State of
Connecticut, Department of Social Services,
Respondent(s)

January 30, 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, February 26, 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 February 11, 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 February 11, 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 February 11, 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: Vernon Leftridge
Tanya Feliciano DeMattia, Esq.

1/30/14/FIC# 2013-233/Trans/wrbp/VRP//GFD

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Vernon Leftridge,

Complainant

against

Docket #FIC 2013-233

Commissioner, State of Connecticut,
Department of Social Services; and
State of Connecticut, Department of
Social Services,

Respondents

January 30, 2014

The above-captioned matter was heard as a contested case on December 5, 2013, at which time the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant failed to appear. The hearing, originally scheduled for November 12, 2013, had been rescheduled to December 5, 2013 at the complainant's request. The complainant's subsequent request on December 4, 2013 to again reschedule the hearing was denied.

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. By letter of complaint filed April 16, 2013, the complainant appealed to the Commission, alleging that the respondent violated the Freedom of Information ("FOI") Act by denying his request for copies of client public assistance records.
3. It is found that the complainant made an April 4, 2013 request for access for copies of:
 - a. all records pertaining to my client I.D. number 001881980 from July 3, 2012 through April 4, 2013;
 - b. rental assistance, energy assistance from July 3, 2013 through April 4, 2013;
 - c. food stamps awarded benefits from July 3, 2012 through April 4, 2013;
 - d. all awarded assistance records from July 3, 2012 through April 4, 2013;

- e. all records pertaining to my biological custodial minor child Juwan James Leftridge from 7/3/12 through 4/4/13 and live-in brother Sylvontae Bishop;
- f. all records, notices, materials, emails, documents and correspondences from July 3, 2012 through April 4, 2013; and
- g. all notices mailed to my home address, including all notices, letters, correspondences received by the Department of Social Services.

4. It is found that the respondents by letter dated June 14, 2013 advised the complainant that Department of Social Services client records are confidential and are not disclosable to the general public under the FOI Act, but that the respondents would treat his request as one for his own client records. Attached to that letter were all records pertaining to his own identification number for the requested time period, and all records pertaining to his minor son for the requested time period. The June 14 letter also advised the complainant that his request for his brother's records was denied because public assistance records are confidential and the records of another person cannot be released without an authorization signed by that person. Finally, the June 14 letter advised the complainant that the respondents did not maintain rental assistance or energy assistance records, but that copies of the complainant's assistance records, including SNAP benefits would be obtained and forwarded to him, which they subsequently were.

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, 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:

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.

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) and 1-210(a), G.S.

9. The respondent contends that the requested records are exempt from disclosure under §17b-90(b), G.S., which provides in pertinent part:

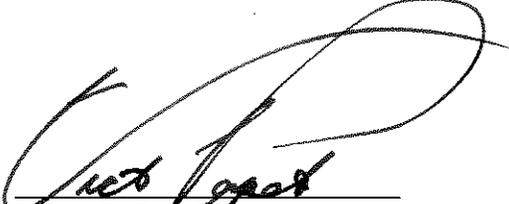
No person shall, except for purposes directly connected with the administration of programs of the Department of Social Services and in accordance with the regulations of the commissioner, solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or any information concerning, persons applying for or receiving assistance from the Department of Social Services or persons participating in a program administered by said department, directly or indirectly derived from the records, papers, files or communications of the state or its subdivisions or agencies, or acquired in the course of the performance of official duties.

10. It is found that the requested records are information concerning persons applying for or receiving assistance from the Department of Social Services or persons participating in a program administered by that department.

11. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

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.



Victor R. Perpetua
As Hearing Officer