

## New Haven Open Records Policy

### Purpose:

The City of New Haven, Connecticut (the “City”) is committed to the principle that access to public records and meetings of public agencies is critical to good government. The purpose of this policy is to ensure the City of New Haven’s compliance with the Connecticut Freedom of Information Act (Conn. Gen. Stat. §§ 1-200 et seq.) (“CT-FOIA”) and to establish the procedures for (i) requesting access to inspect or receive a copy of public records in the custody of the City and (ii) the City’s response to such requests. With specific exceptions set forth under CT-FOIA, members of the public have the right to inspect and/or receive a copy of public records upon request.

### Issuing Authority:

This policy is issued by the Corporation Counsel of the City.

### Enforcement Authority:

This policy shall be enforced by the Corporation Counsel of the City.

### A. Definitions

1. *Business Day*. Weekdays (Monday through Friday), except for federal or state holidays, when the City of New Haven is open for business.
2. *Public Record*. Any document, data or information, whether handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method, related to the conduct of the business of the City that is owned, used, received or retained by the City.
2. *Public Records Officer*. Any official or employee of the City who is assigned responsibility for managing provision of records in response to requests for information under CT-FOIA.
3. *Requester*. Any person (includes entities) who request a public record under CT-FOIA.
4. *reserved*.

### B. Public Records Officer

Every City department, division, board and commission shall designate a Public Records Officer, whose name and contact information shall be provided to the Corporation Counsel. Department heads are responsible for assigning responsibility and updating the contact information within twenty-four (24) hours of a change in the Public Records Officer responsible of such department. Departments or divisions may assign a deputy or secondary Public Records Officer to act in the absence of a Public Records Officer.

### C. Requests for Public Records.

All requests to inspect or copy public records under CT-FOIA shall be submitted to the City in writing or reduced to writing if made orally. Each Requester is asked to provide the City with a completed Public Records Request Form, substantially in the form of EXHIBIT A, to ensure a clear and complete understanding of the records requested. Submission of the Public Records Request Form through the City's FOIA portal is preferred. Forms should be directed to the City's FOIA Request email address. The Office of the Corporation Counsel will acknowledge receipt of the request and direct it to the Public Records Officer for the department most likely to have custody of the public records requested.

### D. Procedure.

Each department, division, board and commission must designate one employee to be responsible for complying with requests for records, and a second employee who will serve as a back-up in the event the responsible employee is unavailable to respond to the request.

#### I. Requesting Access to Public Records.

a) Requests for access to public records may be submitted by through the City's FOIA submission portal, email, U.S. mail or hand delivered letter, facsimile, in person or by telephone.

- i. Web portal: <https://www.newhavenct.gov/idliketo/submit/foia.htm>
- ii. Email: [FOIA@newhavenct.gov](mailto:FOIA@newhavenct.gov)
- iii. Mail: City of New Haven, City Clerk, 200 Orange Street, New Haven, CT 06510
- iv. Hand Delivery: City of New Haven, City clerk's office

b) Regardless of the method of communication, all requests must be submitted by or recorded on a Public Records Request Form (the "Form"). The Form may be found on the City's website: <https://www.newhavenct.gov/idliketo/submit/foia.htm>. At minimum, every request for public records must include:

- i. a specific description of the public record(s) requested
- ii. name of Requester (NOTE: Accommodations may be made for anonymous walk-in requests for immediately available records.)
- iii. contact information for the Requester. (NOTE: Anonymous requests must provide a mechanism for communication if records are not immediately available or clarification is required.)

c) Within four (4) business days of receipt of a Form, the Office of the Corporation Counsel shall respond acknowledging receipt of the request for access to public records. The response may include a statement of the City's policy with respect to reimbursement of the City for the cost of producing copies of the requested record. In the event that a record or portion of a record is exempt from disclosure under CT-FOIA, the City will notify the Requester of the exemption(s) and provide a redacted copy of the record. The City may request clarification or provide an estimate of the length of time it will take the City to process the request. Written documentation of the acknowledgment and every contact with the Requester shall be documented and recorded.

Upon receipt of a completed Form the Office of Corporation Counsel shall check its records to determine whether any litigation or labor relations matters may be related to the request.

d) The Office of Corporation Counsel shall refer the Form to the appropriate department(s) for response. Routine requests for public records shall be completed in the ordinary course of business and in the order received. The Requester shall reimburse the City at the statutory rate or in accordance with CT-FOIA. The first five dollars (\$5.00) may be waived. In the event that the reimbursement amount exceeds ten dollars (\$10.00) the Requester shall make payment before the records are delivered. Requesters who are indigent may request a fee waiver. Proof of indigency may be provided on the Affidavit of Indigency Form, substantially in the form of EXHIBIT B. The CT Department of Corrections may provide proof of indigency for incarcerated persons.

## 2. Provision of Public Records.

a) The City Department(s) having custody of the requested record(s) shall conduct a search for the records in the ordinary course of business and in the order received. The City is under no obligation to create new records, conduct research or provide a record in a specified format in response to a records request.

b) The City Department(s) having custody of the requested record(s) will provide the Requester with copies of responsive records.

c) At the time all responsive records are provided, the City Department will include a statement that the request is complete. If a request encompasses multiple departments, the Office of the Corporation Counsel will provide the statement.

d) At the time the responsive records are provided, the City Department(s) providing the record(s) shall send to the Office of the Corporation Counsel a copy of the completion notice AND an electronic copy of the documents provided for uploading into CityLaw.

e) As necessary and appropriate, the Public Records Officer will evaluate the records to determine whether any or all of the record is exempt from disclosure under CT-FOIA. If a portion of a record contains information that is exempt from disclosure, that information must be redacted. Redacted records or those as to which there are questions regarding exemption must be reviewed by the Office of the Corporation Counsel.

f) In the event that the City receives a request for the personnel, medical or similar records of an employee, the subject employee shall receive notice of the request on the Notification to employee of request for Personnel, Medical or Similar Records Form, substantially in the form of EXHIBIT C. The employee shall have seven (7) days to object to the provision of the personnel, medical or similar records. The employee MUST make him/herself available to provide testimony in support of the objection at any hearing contesting the objection. The Office of the Corporation Counsel will review personnel records to determine whether any portion of the file is exempt from disclosure.

3. Appeals.

- a) Requesters may appeal the City’s determination that all or a portion of a record is exempt from disclosure.
- b) The Office of the Corporation Counsel shall defend the City’s actions before the FOIC.
- c) Departments with custody of records deemed to be exempt from disclosure or are the subject of a complaint heard by the FOIC shall make witnesses available for hearings.

E. Reporting.

- a) The Corporation Counsel shall provide the Mayor with periodic reports of FOIA requests and responses thereto.
- b) Requests that, in the judgment of the Corporation Counsel, require additional consideration shall be brought to the attention of the Coordinator(s), Director of Communication or Mayor, as appropriate.

F. Training.

- a) The Corporation Counsel shall schedule periodic FOIA compliance training for City employees.
- b) Compliance training shall cover:
  - Open meeting requirements
    - Meeting Notice
    - Agenda
    - Minutes and voting
  - Exempt Records
    - Handling redactions
    - Employment records
  - Records disclosure
    - Initial response
    - Ordinary course of business
    - Records
  - Complaint process

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Issuing Authority: DocuSigned by:  
*Patricia King, Corporation Counsel*  
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Patricia King, Corporation Counsel

Effective Date: October 26, 2021

Previously Revised: N/A

EXHIBIT A

City of New Haven, Connecticut  
Public Records Request Form

Department or Division: \_\_\_\_\_ Date: \_\_\_\_\_  
Submitted via (check box):

EMAIL       U.S. MAIL       FACSIMILE       IN PERSON       BY TELEPHONE

Person/Entity Making Request:

Name: \_\_\_\_\_ Company (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Email: \_\_\_\_\_

How do you prefer to be contacted if the City has questions? (check box)

TELEPHONE       EMAIL       U.S. MAIL

Records Requested: *Please be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame and type of record or party names. Use additional sheets if necessary. Requests must be for existing records and not request answers to questions.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you want copies? (check box)

- Yes, electronic copies preferred if available
- Yes, printed copies preferred
- No, in-person inspection of records preferred (may request copies later)

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For City Use Only

Tracking No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Acknowledgement Sent: \_\_\_\_\_

Request: Granted \_\_\_ Partially Granted (Exemption \_\_\_\_\_) Denied (Exemption \_\_\_\_\_)

Date Records Provided: \_\_\_\_\_

Additional Notes:

**EXHIBIT B**

**Form of Affidavit of Indigency**

<https://newhaven.seamlessdocs.com/f/AFFOINH01>

EXHIBIT C

CITY OF NEW HAVEN, CONNECTICUT

To:  
From:

Date:  
cc:

NOTIFICATION TO EMPLOYEE OF REQUEST  
FOR PERSONNEL, MEDICAL OR SIMILAR RECORDS

The New Haven \_\_\_\_\_ Department (the "Department") has received a request under the Connecticut Freedom of Information Act ("CT-FOIA") to permit inspection and copying of certain records that are considered part of your personnel file. A copy of the written request is attached to this notification.

The Department believes that these records may be exempt from disclosure under CT-FOIA because their release would legally constitute an invasion of your privacy. You are entitled to waive this privacy right, which you can do by taking no action in response to this notice. If, however, you object to the release of the records please print, complete and sign this form and return to me within seven (7) business days. If Department does not receive your objection by the close of business on \_\_\_\_\_ the requested records will be released. This form may be signed by you or your collective bargaining representative.

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OBJECTION TO DISCLOSURE OF RECORDS

This is a notice of formal objection to the disclosure of certain personnel, medical or similar records described in the attached request. I have reason to believe that the disclosure of the requested records indicated on the other side of this Notification will constitute an invasion of (my) (the employee's) personal privacy. Under penalty of false statement, I declare that, to the best of my knowledge and belief, there is good ground to support the objection and the objection is not made for delay. I will cooperate with the City of New Haven, including providing testimony at a contested hearing at the Freedom of Information Commission, verifying my objection.

\_\_\_\_\_  
Signature of Employee or  
Collective Bargaining Representative

\_\_\_\_\_  
Date