

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Brian Scott-Smith,

Complainant

against

Docket #FIC 2022-0378

First Selectman, Town of Plainfield;  
Finance Director, Town of Plainfield; and  
Town of Plainfield,

Respondents

July 26, 2023

The above-captioned matter was heard as a contested case on January 5, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After the hearing, the respondents submitted an after-filed exhibit, which has been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit 1 (after-filed): Affidavit of D. Kyle Collins, Jr. signed January 26, 2023.

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 July 26, 2022, the complainant requested records and sought answers to specific questions relating to a cyberattack made on the respondent town ("cyberattack"). Specifically, the complainant requested:
  - (a) of the respondent First Selectman:
    - i. "[c]an you please advise First Selectman, what was the scope of your further conversations with Mullen Coughlin, beyond those you had initially with them and Kelly Vachon regarding the town's possible liability after the cyberattack. Please provide any meeting notes or other communications with that firm";<sup>1</sup>
    - ii. "[h]ow did [MC] assess that the town was at minimum risk for any data leaked? Please provide any

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<sup>1</sup> The Commission notes that Mullen Coughlin ("MC") is a private law firm.

- analysis/communications they supplied to the town about this”;
- iii. “[d]id [MC] work with any of the [information technology] contractors at all, ie Protocol or P3 to help with their assessment and findings? If yes, please provide communications associated with this”;<sup>2</sup>
  - iv. [d]id [MC] advise you that the town should have reported this matter or not to the Attorney General’s Office and their Cyber Unit, as per recent CT law on the matter? Please provide any communication on this...”;
  - v. [c]an you advise if the [t]own ever reached out to the residents of the town to inform them of the cyberattack or not? [A]nd if not, can you explain why not? [A]s I understand from sources their first knowledge of the situation was through media reporting. If you did reach out to residents, please provide the relevant communication”;
  - vi. [d]o you feel the work that [information technology] specialists and the town have put in will stop something like this happening again? [A]nd are staff being or receiving any kind of training as well to educate them about cyberattack issues?”;

(b) of the respondent Finance Director:

- i. [c]an you advise how much more the [t]own expects to pay or has set aside for the remaining work to clear up the cyberattack and what more Protocol and P3 are expected to do for the town, as you state the extra invoices will come from those two businesses. Please also provide copies of both organizations['] invoices that have been paid to date and any other recent communications with both companies detailing further work/services they are expected to provide”;
- ii. [w]ho is Purtil, I see it put down as accounting charges, please can you provide details of what was the scope of their work for \$12,227.50? [a]lso please provide a copy of their invoice and any communications with them about the scope of their work for the Town of Plainfield”;

(c) of the Information Technology (“IT”) Manager for the respondent town:

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<sup>2</sup> The Commission notes that Protocol refers to Protocol Networks (“Protocol”) and P3 refers to P3 Technologies (“P3”), both of which are private information technology consulting companies.

- i. “[c]an you advise what work has been done by Protocol ... that cost the sum of \$269,327.09 to date and as stated by Kelly Vachon, further invoices are expected from them for other work, please state what that is? Please provide any scope of work estimate or detailed invoice for payment to this firm showing what work they carried out”;
- ii. “[a]nd any other communications you/the town had with [Protocol] about the work they were being requested to do”;
- iii. [p]lease explain who P3 Technologies are and what work they did for \$1350,00[sic]? [A]nd what further work they will be doing, again, as stated by Kelly Vach[o]n , when she states further invoices are expected from them and Protocol. Again, please provide a broke down estimate or invoice...”;
- iv. “or any communication with this firm to detail the work they carried out”;
- v. “[h]as the town’s computer systems and the police systems now been separated by any type of firewall or other technology to stop them being taken down again in case of a future cyberattack? And if they haven’t, please explain why not and what will protect them in the future?”;
- vi. [h]as the work that has been undertaken by the two IT companies put the town’s computer systems in a better position than they were before? [A]nd how much better are they now to resist a further cyberattack? What is new and improved? Please provide any communications on this issue”;
- vii. “I believe you are the part-time IT person for the [t]own? Based on what happened with the cyberattack will you become full-time or will you be adding a further person to augment yourself as the only town IT person and if so, please provide details? Please provide any new employment contract or change to your existing employment contract with the town”;
- viii. [i]f you are not increasing your role or adding anyone else from the town, will the [t]own be purchasing or utilizing the services of a managed IT company to assist them/monitor or upgrade on a more regular basis the town’s IT systems and if yes, who is that company and what are the specific contract terms and conditions? Please provide any communications relevant to this

[i]nquiry with any companies or service providers that are pertinent.”

3. It is found that, by separate emails, each dated July 26, 2022, the respondents acknowledged the complainant’s requests to the First Selectman, the Finance Director, and the IT Manager, respectively. It is also found that, by email dated July 26, 2022, the respondent First Selectman informed the complainant that he did not interpret any of the complainant’s requests to be a request for public records and that he was, therefore, denying such requests.

4. By letter of complaint, dated August 22, 2022, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

“[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part:

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

7. Section 1-212(a), G.S., provides, in relevant part: “[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, to the extent such records are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. With regard to the request described in paragraph 2(a)(vi), above, it is found that the complainant did not request public records containing information about potential cyberattacks or training for employees, but rather, asked the respondent First Selectman to answer his questions. The Commission has long concluded, and the court has affirmed, that a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari et al. v. Colleen Murphy, Connecticut Freedom of

Information Commission et al., CV105014984S, 2011 WL 1886878, at \*3 (Conn. Super. Ct. April 21, 2011).

10. It is therefore concluded that the respondents did not violate the FOI Act by failing to answer the request described in paragraph 2(a)(vi), above, as alleged in the complaint.

11. With regard to the request described in paragraph 2(a)(v), above, the respondents testified, and it is found, that they did not communicate with any residents regarding the cyberattack, and therefore, do not maintain any records responsive to such request.

12. It is therefore concluded that the respondents did not violate the FOI Act by failing to disclose the records described in paragraph 2(a)(v), above, to the complainant.

13. With regard to the request described in paragraph 2(b)(ii), above, the respondents testified, and it is found, that they did not maintain any responsive records at the time of the complainant's request.

14. It is therefore concluded that the respondents did not violate the FOI Act by failing to disclose the records described in paragraph 2(b)(ii), above, to the complainant.

15. With regard to the request for records described in paragraphs 2(c)(i) and 2(c)(iii), above, the respondent town's IT Manager, Kyle Collins, attested in his affidavit, and it is found, that his office does not maintain work estimates or invoices. It is therefore found that the IT manager does not maintain records responsive to the complainant's request, described in paragraphs 2(c)(i) and 2(c)(iii), above.

16. Accordingly, it is concluded that the respondents did not violate the FOI Act by failing to disclose the records described in paragraph 2(c)(i) and 2(c)(iii), above, to the complainant.

17. With regard to the request described in paragraph 2(c)(v), above, it is found that the complainant did not request public records containing information about potential "firewalls" or other protection from cyberattacks, but rather, asked the respondents to answer his questions. As discussed in paragraph 9, above, a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari, supra, at \*3.

18. It is therefore concluded that the respondents did not violate the FOI Act by failing to answer the request described in paragraph 2(c)(v), above, as alleged in the complaint.

19. With regard to the request for records described in paragraph 2(c)(vi), above, the respondents argued at the hearing in this matter that such request was overly vague and they did not understand exactly what the complainant was seeking.

20. In Wildin v. Freedom of Information Commission, 56 Conn. App. 683 (2000), the Appellate Court held that a public agency is not required to conduct research in order to respond

to a request for public records. The court explained that a request requires research if it does not properly identify the records sought, such that the public agency must conduct an analysis or exercise discretion to determine which records fall within the scope of the request. Id. at 686-87.

21. With respect to the request described in paragraph 2(c)(vi), above, it is found that the complainant asked the following: “[h]as the work that has been undertaken by the two IT companies put the town’s computer systems in a better position than they were before? [A]nd how much better are they now to resist a further cyberattack? What is new and improved? Please provide any communications on this issue.” It is also found that whether the town’s computer systems are in a “better position” and “how much better” they were at the time of the complainant’s request are subjective determinations, such that the respondents would be required to analyze the contents of various communications and exercise discretion in deciding whether such records are responsive to the request. It is therefore found that searching for records in such a manner would require “research” as that term has been defined in Wildin, above.

22. It is therefore concluded that, to the extent the complainant’s request described in paragraph 2(c)(vi), above, was a request for records that would require research, the respondents did not violate the FOI Act by failing to disclose such records to the complainant.

23. With regard to the request for records described in paragraph 2(c)(vii), above, the respondents testified, and it is found, that there was no change to Collins’s employment contract with the town and no new employment contract was created, and that, therefore, they do not maintain any records responsive to such request.

24. Accordingly, it is concluded that the respondents did not violate the FOI Act by failing to provide the records described in paragraph 2(c)(vii), above, as alleged in the complaint.

25. With regard to the request for records described in paragraph 2(c)(viii), above, the respondents testified, and it is found, that the town is not purchasing or utilizing additional IT services to assist or upgrade the town’s IT systems, and that, therefore, they do not maintain any records responsive to such request.

26. Accordingly, it is concluded that the respondents did not violate the FOI Act by failing to provide the records described in paragraph 2(c)(viii), above, as alleged in the complaint.

27. With regard to the records described in paragraphs 2(a)(i), 2(a)(ii), 2(a)(iii), 2(a)(iv), 2(b)(i), 2(c)(ii), and 2(c)(iv), above, the respondents argued at the hearing in this matter, and in their post-hearing brief, that such records are exempt from disclosure, pursuant to §§1-210(b)(10) and 1-210(b)(20), G.S.

28. Pursuant to an order of the hearing officer, the respondents submitted to the Commission an unredacted copy of the records for an in camera inspection, along with an in camera index. Such records were submitted by the respondents on May 8, 2023 and shall be identified hereinafter as IC-2022-0378-1 through IC-2022-0378-115.

29. It is found that the respondents used a highlighter to indicate on the in camera records the specific information they are claiming as exempt from disclosure. On the in camera index, the respondents contended that the highlighted information in the in camera records is exempt from disclosure under §§1-210(b)(10), 1-210(b)(19)(1), and 1-210(b)(20), G.S.

30. With regard to the respondents' claim that certain portions of the in camera records, as indicated on the in camera index, contained information that is exempt from disclosure pursuant to §1-210(b)(10), G.S., such statute permits a public agency to withhold from disclosure records of "communications privileged by the attorney-client relationship."

31. The applicability of the exemption contained in §1-210(b)(10), G.S., is governed by established Connecticut law defining the privilege. That law is set forth in Maxwell v. FOI Commission, 260 Conn. 143 (2002). In that case, the Supreme Court stated that §52-146r, G.S., which established a statutory privilege for communications between public agencies and their attorneys, merely codifies "the common-law attorney-client privilege as this court previously had defined it." Id. at 149.

32. Section 52-146r(2), G.S., defines "confidential communications" as:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice. . . .

33. The Supreme Court has also stated that "both the common-law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client, and relate to legal advice sought by the agency from the attorney." Maxwell, supra, at 149.

34. In Shew v. FOI Comm'n, 245 Conn. 149, 157-58 (1998), the Supreme Court described the boundaries of the attorney-client privilege as follows:

The privilege exists to protect not only the giving of professional advice to those who can act on it but also the giving of information to the lawyer to enable him [or her] to give sound and informed advice. . . . We note, however, that since the privilege has the effect of withholding relevant information from the factfinder, it applies only where necessary to achieve its purpose. Accordingly it protects only those disclosures—necessary to obtain

informed legal advice—which might not have been made absent the privilege. . . . (Internal citations and quotation marks omitted.)

36. At the hearing in this matter, the respondents testified, and it is found, that MC is a private law firm that was hired by the respondents to provide legal advice regarding the cyberattack and the respondents' response to such cyberattack.

37. After a careful inspection of the in camera records, it is found that no legal advice is being sought by a client or is provided by an attorney in the the records identified on the in camera index as "Retainer Letter – Attorney-Client Priv. Communication" (IC-2022-0378-1 through IC-2022-0378-9).

38. It is therefore concluded that the records described in paragraph 37, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., as a record of communication privileged by the attorney-client relationship.

39. After a careful inspection of the in camera records, it is found that the record identified on the in camera index as "MC-Closing Memo – Atty/Client Privileged Comm." (IC-2022-0378-17 through IC-2022-0378-20) consists of a written memorandum by an attorney for the respondent agency; that the attorney was acting in his/her official capacity as legal counsel to the public agency; that the memorandum relates to legal advice sought by the public agency from the attorney; and that the memorandum was made in confidence.

40. After a careful inspection of the in camera records, it is found that the records identified on the in camera index as "Email Corresp. Between K. Cunningham & MC-atty/client priv." (IC-2022-0378-21 and IC-2022-0378-30) consist of email communications between employees of the respondent agency and the respondents' legal counsel; that the attorney was acting in her official capacity as legal counsel to the public agency; that the emails relate to legal advice sought by the public agency from the attorney; and that the communications were made in confidence. It is also found that no evidence was provided by the complainant to rebut the presumption that such communications were made in confidence. See Blumenthal v. Kimber Mfg., Inc., 265 Conn. 1, 15 (2003).

41. It is therefore concluded that the records described in paragraphs 39 and 40, above, are exempt from disclosure pursuant to §1-210(b)(10), G.S., as records of communications privileged by the attorney-client relationship.

42. With regard to the records identified on the in camera index as "Atty/Client Priv[.] – description of service – Confidential" (IC-2022-0378-12 through IC-2022-0378-16), it is found that such records consist of billing records from MC.

43. In the context of an attorney's billing records, the Commission notes that it is generally accepted that attorney billing statements and time records are protected by the attorney-client privilege *only to* the extent that they reveal litigation strategy and/or the nature of the services performed. See Bruno v. Bruno, FA0540049006S, 2009 WL 2451005, at \*2 (Conn.



Super. Ct. July 10, 2009). “[T]he identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected from disclosure by the attorney-client privilege.... However, . . . bills . . . and time records which also reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided, such as researching particular areas of law, fall within the privilege.” *Id.* at \*2. In Bruno, court said that “[m]ost of the billing records of Cohen & Wolf, P.C., in question merely refer to conferences with client or e-mails to and from client or others as well as appearances at hearings. None of that information falls within the attorney-client privilege.” *Id.* at \*3. In City of New Haven v. FOIC, et al., 4 Conn. App. 216, 220 (1985), the trial court found, after conducting an in camera review of the billing records, that there was nothing in such records to suggest they came within the purview of the attorney-client privilege. “Questions as to where and when a client had conversations with his attorney have been found not to be within the attorney-client privilege... nor have questions propounded to an attorney seeking the client’s name and the capacity in which the attorney was employed been held to fall within the attorney-client privilege.” *Id.* at 220. See also Docket #FIC 2014-240; Suzanne Carlson and the Hartford Courant v. Executive Director, East Hartford Housing Authority; and East Hartford Housing Authority (March 25, 2015) (the Commission concluded that the date of service, initials of attorney, hours and rate and amount billed were not exempt from disclosure pursuant to either the attorney-client privilege or §1-210(b)(4), G.S.); Docket #FIC 2011-619; Joseph Sargent v. Office of the Corporation Counsel, City of Stamford; and City of Stamford (October 10, 2012) (the Commission concluded that those sections of billing records that reveal how many hours were worked by each attorney and the cost of such work were not exempt from disclosure pursuant to either the attorney-client privilege or §1-210(b)(4), G.S.).

44. After careful inspection of the in camera records described in paragraph 42, above, it is found that the highlighted portions of the records under the heading, “Description”, consist of detailed, dated entries describing the specific nature of the services provided. It is also found that no evidence was provided by the complainant to rebut the presumption that the communications containing such billing records were made in confidence. See Blumenthal v. Kimber Mfg., Inc., 265 Conn. 1, 15 (2003). It is found, therefore, that all of the highlighted information in the “Description” category falls within the protection of the attorney-client privilege and is exempt from disclosure.

45. Accordingly, it is concluded that the respondents did not violate the FOI Act by withholding such information from the complainants.

46. With respect to the remainder of the information claimed to be exempt from disclosure pursuant to §1-210(b)(10), G.S., on the records described in paragraph 42, above, it is found, however, based on a careful in camera inspection, that such information consists of dates of services, hours and amounts billed, and other information that does not fall within the protection of the attorney-client privilege and, therefore, is not exempt from disclosure pursuant to §1-210(b)(10), G.S.

47. With regard to the respondents’ claim that certain records, as indicated on the in camera index, are exempt from disclosure pursuant to §1-210(b)(19), G.S., such statute provides, in relevant part, that nothing in the FOI Act shall be construed to require disclosure of:

[r]ecords when there are reasonable grounds to believe that disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility ... Such reasonable grounds shall be determined (A) (i) by the Commissioner of Administrative Services, after consultation with the chief executive officer of an executive branch state agency, with respect to records concerning such agency.... (Emphasis added.)

48. Section 1-210(d), G.S., provides, in relevant part:

[w]henver a public agency ... receives a request from any person for disclosure of any records described in subdivision (19) of subsection (b) of this section under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Administrative Services ... of such request in the matter prescribed by such commissioner, before complying with the request as required by the Freedom of Information Act ... If the commissioner, after consultation with the chief executive officer of the applicable agency ... believes the requested records is exempt from disclosure pursuant to subdivision (19) of subsection (b) of this section, the commissioner may direct the agency to withhold such records from such person .... (Emphasis added.)

49. It is found that the respondents failed to provide any evidence or testimony that they “promptly notif[ied] the Commissioner of the Department of Administrative Services” of the complainant’s request or that such commissioner determined that disclosure may result in a safety risk, and therefore directed the respondents to withhold such records from the complainant. It is also found that the respondents failed to argue such exemption at the contested case hearing or in their post-hearing brief.

50. It is therefore concluded that the respondents failed to prove that the in camera records, identified in paragraph 47, above, are exempt from disclosure pursuant to §1-210(b)(19), G.S.

51. With regard to the respondents’ claim that certain portions of the in camera records, as indicated on the in camera index, contain information exempt from disclosure pursuant to §1-210(b)(20), G.S., such statute provides that disclosure is not required of “[r]ecords of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system....”

52. With regard to the request described in paragraph 2(b)(i), above, the respondent Finance Director, Kelly Vachon, testified that she disclosed to the complainant a spreadsheet detailing payments made to Protocol and P3, but that she withheld copies of the actual invoices because she was concerned about potential safety and IT issues, and she didn't know whether or not such invoices should be disclosed to the complainant. In his affidavit, IT Manager, D. Kyle Collins, Jr., attested that he reviewed the invoices responsive to the request described in paragraph 2(b)(i), above, and "determined that certain portions containing descriptions of infrastructure, antivirus software, firewalls, wireless systems, and other software information, if disclosed, would compromise the security of the [t]own's information technology and police/emergency communications systems."

53. It is found that the records described on the in camera index as "Description of services, equip., software, procedures, IT infrastructure, standards, etc. contained in invoices – confidential/safety risk" (IC-2022-0378-31 through IC-2022-0378-86) consist of invoices responsive to the request described in paragraph 2(b)(i), above.

54. After a careful in camera inspection, it is found that the highlighted portions<sup>3</sup> of the following in camera records, described in paragraph 53, above, are records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system:

IC-2022-0378-31 through IC-2022-0378-32;  
IC-2022-0378-33 (entry numbers: 1, 3, 7, 8);  
IC-2022-0378-34;  
IC-2022-0378-35 (entry numbers: 2 through 4, 7);  
IC-2022-0378-36 (entry numbers: 1, 3);  
IC-2022-0378-37;  
IC-2022-0378-38 (entry numbers: 2 through 8);  
IC-2022-0378-39;  
IC-2022-0378-40 (entry numbers: 1 and 2);  
IC-2022-0378-41 (entry numbers: 1, 3, 5 through 7, 9);  
IC-2022-0378-42 (entry numbers: 1, 3 through 5);  
IC-2022-0378-43 (entry numbers 2, 4, 6 through 8);  
IC-2022-0378-44 (entry numbers 1 through 3, 5);  
IC-2022-0378-45;  
IC-2022-0378-46 (entry numbers 4, 7);  
IC-2022-0378-47 (entry numbers 1, 3 through 5);  
IC-2022-0378-48 (entry numbers 1, 2, 4, 6);  
IC-2022-0378-49 (entry numbers 1, 3);  
IC-2022-0378-50;  
IC-2022-0378-51 (entry numbers 1, 2, 4, 7 through 9);

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<sup>3</sup> The respondents did not number the lines and words on the in camera records; therefore, the hearing officer numbered the "entry numbers" of such records in pencil in order to identify which portion of a particular record is exempt from disclosure. The Commission notes that while it normally identifies redactions by line number, due to the nature of the in camera records described in paragraph 53, above, it is more comprehensible to identify the properly redacted portions of such records by "entry number".

IC-2022-0378-52 (entry numbers 1 through 7);  
IC-2022-0378-53 (entry numbers 3 through 7, 9);  
IC-2022-0378-54 (entry numbers 5 through 7, 9 through 12);  
IC-2022-0378-55;  
IC-2022-0378-56 (entry numbers 2, 4, 6, 8);  
IC-2022-0378-57 (entry numbers 1, 3, 4, 6);  
IC-2022-0378-58 (entry numbers 1 and 2);  
IC-2022-0378-59 (entry numbers 1, 2, 4 through 6);  
IC-2022-0378-60 (entry numbers 1 through 4, 6 through 10);  
IC-2022-0378-61 through IC-2022-0378-63;  
IC-2022-0378-76;  
IC-2022-0378-78;  
IC-2022-0378-80;  
IC-2022-0378-81;  
IC-2022-0378-84 (entry numbers 1, 9, 20);  
IC-2022-0378-85 (entry numbers 3, 8, 9, 20); and  
IC-2022-0378-86 (entry number 5).

55. With respect to the remainder of the redacted information claimed to be exempt from disclosure pursuant to §1-210(b)(20), G.S., on the records described in paragraph 53, above, it is found, based on a careful in camera inspection, that such information is not a record of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system.

56. With regard to the request described in paragraphs 2(c)(ii) and 2(c)(iv), above, Collins attested that his office maintains communications with Protocol and P3 about the work they performed for the respondent town, but that he determined disclosure of any such communications would compromise the security of the town's information technology system, software, and/or equipment, and "place the [t]own at significant risk of another cyberattack", and the responsive records therefore are exempt from disclosure, pursuant to §1-210(b)(20), G.S.

57. It is found that the records described on the in camera index as "Email correspondence with IT contractors containing descriptions of services, equipment, software, Firewalls, procedures, infrastructure, standards, etc. – confidential/safety risk" (IC-2022-0378-87 through IC-2022-0378-115) consist of email communications responsive to the requests described in paragraphs 2(c)(ii) and 2(c)(iv), above.

58. After a careful inspection of the in camera records, it is found that the highlighted portions of the following records described in paragraph 57, above, are records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system:

IC-2022-0378-87;  
IC-2022-0378-88;  
IC-2022-0378-91 through IC-2022-0378-105;  
IC-2022-0378-107;

IC-2022-0378-108;  
IC-2022-0378-109 (lines 20 through 22, 32 through 34);  
IC-2022-0378-110;  
IC-2022-0378-111 (lines 11, 12, 21); and  
IC-2022-0378-112 through IC-2022-0378-115.<sup>4</sup>

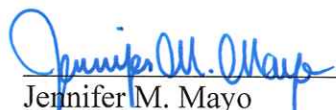
59. With respect to the remainder of the redacted information claimed to be exempt from disclosure pursuant to §1-210(b)(20), G.S., on the records described in paragraph 57, above, it is found, based on a careful in camera inspection, that such information is not a record of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system.

60. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the records described in paragraphs 38, 46, 55, and 59 above, from the complainant

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

1. Forthwith, the respondents shall provide a complete copy of the in camera records described in paragraphs 37, 42, 53, and 57 of the findings, above, free of charge, to the complainant.
2. In complying with paragraph 1 of the order, above, the respondents may redact the portions of those records described in paragraphs 44, 54, and 58 of the findings, above.
3. Within one week of the date of the Notice of Final Decision in this matter, the respondents shall contact the Commission's public education officer to schedule training on the FOI Act.
4. Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 26, 2023.

  
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Jennifer M. Mayo  
Acting Clerk of the Commission

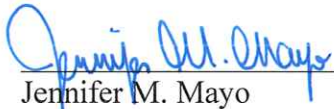
<sup>4</sup> The respondents did not number the lines and words on the in camera records; therefore, the hearing officer numbered such lines and words in pencil in order to identify which portion of a particular record is exempt from disclosure.

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:

**BRIAN SCOTT-SMITH**, 40 Pilgrim Road, Quaker Hill, CT 06375

**FIRST SELECTMAN, TOWN OF PLAINFIELD; FINANCE DIRECTOR, TOWN OF PLAINFIELD; AND TOWN OF PLAINFIELD** c/o Attorney Kristi D. Kelly, Suisman Shapiro Wool Brennan Gray & Greenberg, PC, 2 Union Plaza, Suite 200, New London, CT 06320



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Jennifer M. Mayo  
Acting Clerk of the Commission