COMMISSIONER OF PUBLIC SAFETY ET AL. *v.*
FREEDOM OF INFORMATION
COMMISSION ET AL.
(SC 18617)
TAX ASSESSOR OF THE TOWN OF NORTH
STONINGTON ET AL. *v.* FREEDOM OF
INFORMATION COMMISSION
ET AL.
(SC 18618)
JUDICIAL BRANCH *v.* FREEDOM OF
INFORMATION COMMISSION
ET AL.
(SC 18619)
AFSCME, COUNCIL 4, LOCALS 387, 391 AND
1565 *v.* FREEDOM OF INFORMATION
COMMISSION ET AL.
(SC 18620)

Rogers, C. J., and Norcott, Palmer, Zarella, McLachlan and Eveleigh, Js.

Argued December 3, 2010—officially released June 28, 2011

Stephen R. Sarnoski, assistant attorney general, with whom, on the brief, were *Richard Blumenthal*, former attorney general, and *Terrence O'Neill* and *John E. Tucker*, assistant attorneys general, for the appellants (plaintiff commissioner of public safety et al.).

Frank N. Eppinger, for the appellants (plaintiff tax assessor of the town of North Stonington et al.).

Viviana L. Livesay, with whom, on the brief, was *Adam P. Mauriello*, for the appellant (plaintiff judicial branch).

J. William Gagne, Jr., with whom, on the brief, was *Kimberly A. Cuneo*, for the appellant (plaintiff AFSCME, Council 4, Locals 387, 391 and 1565).

Lisa Fein Siegel, commission counsel, with whom, on the brief, was *Colleen M. Murphy*, general counsel, for the appellee (named defendant).

Opinion

ZARELLA, J. The sole issue in these appeals is whether General Statutes § 1-217,[1] which prohibits public agencies from disclosing, pursuant to the Freedom of Information Act (act); General Statutes § 1-200 et seq.; the home addresses of various federal, state and local government officials and employees, is applicable to grand lists of motor vehicles[2] and their component data provided to town assessors by the department of motor vehicles (department) pursuant to General Statutes (Rev. to 2009) § 14-163.[3] The plaintiffs, the commissioner of public safety, the commissioner of children and families, the commissioner of correction (state agencies), the judicial branch, Nicholas Mullane II and Darryl DelGrosso, as first selectman and assessor, respectively, of the town of North Stonington (town), and AFSCME, Council 4, Locals 387, 391 and 1565 (union), each appeal[4] from the judgments of the trial court dismissing their administrative appeals from the decision of the named defendant, the freedom of information commission (commission), ordering DelGrosso to provide to the complainant, Peter Sachs, an exact electronic copy of the file that the department had provided to the town pursuant to § 14-163. We conclude that § 1-217 applies to motor vehicle grand lists and their component data provided to the town assessors pursuant to § 14-163. Accordingly, we reverse the judgments of the trial court.

The record reveals the following relevant facts and procedural history. On June 16, 2008, the complainant, who is licensed as an attorney and a private investigator, asked DelGrosso to provide him with an exact electronic copy of the file, known electronically as "MVR102.dat," that the department had provided to DelGrosso pursuant to § 14-163 for use in preparing the town's motor vehicle grand list (electronic file).[5] The various electronic files provided by the department[6] contain complete lists of all motor vehicles and snowmobiles garaged in a particular town, and registration information including each vehicle owner's name, registration address and birth date, as well as the vehicle's year, make, model and vehicle identification number. When DelGrosso creates the town's motor vehicle grand list, he modifies the electronic file prior to publicizing the list by, inter alia, redacting the registration addresses, which generally correspond to the residential addresses, of approximately forty town residents, including judges, state troopers and correction employees, which he identifies as protected from disclosure by § 1-217.[7] On June 17, 2008, DelGrosso replied to the complainant that the entire electronic file was protected from disclosure pursuant to § 1-217, but offered to provide a version with the redaction of approximately forty names and addresses protected under that statute, if the complainant would compensate the town for Del-

Grosso's time, payable in advance.

On June 18, 2008, the complainant appealed from DelGrosso's denial of his request to the commission, and the plaintiffs subsequently intervened as parties to those proceedings.[8] Following a contested case hearing, the commission accepted the report of its commissioner, who was acting as the hearing officer, and issued a decision[9] finding that the electronic file is the electronic version of the town's motor vehicle grand list and concluding that, under *Davis* v. *Freedom of Information Commission*, 47 Conn. Sup. 309, 790 A.2d 1188 (2001), aff'd, 259 Conn. 45, 787 A.2d 530 (2002) (per curiam), General Statutes § 12-55 (a) does not permit redactions or omissions from the grand list that the assessor is required to lodge for public inspection. The commission determined that "the names and addresses of the people whose property comprises the motor vehicle grand list are both necessary and integral to the completeness and accuracy of the list, as well as the reasons why it is publicly available," and that construing § 1-217 "to permit the [plaintiffs] to redact any names or residential addresses from the motor vehicle grand list would require finding an implicit repeal of § 12-55 (a) . . . and Connecticut's historical [practice] of making grand lists, including [those limited to] personal property grand lists, available to the public for correction and disputation." (Internal quotation marks omitted.) *Sachs* v. *Freedom of Information Commission*, Docket No. FIC 2008-412 (January 14, 2009). The commission further concluded that § 1-217 "applies only to the agency for which a protected employee works," and "does not exempt from disclosure names and residential addresses when they are part of grand lists." Id. Accordingly, the commission ordered the town to provide to the complainant an exact electronic copy of the electronic file. Id.

The plaintiffs filed separate administrative appeals from the decision of the commission to the trial court pursuant to General Statutes §§ 4-183 and 1-206. After granting the plaintiffs' unopposed motions for a stay of the commission's decision, the trial court consolidated the five matters for a hearing and decision. Thereafter, the court issued a memorandum of decision concluding that the commission's factual determination that the electronic file was in essence the town's motor vehicle grand list was supported by substantial evidence, and that the plaintiffs' proffered interpretation of § 1-217 "is inconsistent with the long-standing right of the public to inspect the entire grand list." The trial court noted that, although the court in *Davis* v. *Freedom of Information Commission*, supra, 47 Conn. Sup. 309, "did not consider the applicability of § 1-217 to the assessor's role, [that case recognizes] the well-recognized presumption in favor of openness in the preparation and dissemination of the § 12-55 grand list." The trial court rejected the plaintiffs' argument that, based on the

town's population, "full disclosure of the grand list would mean that the addresses of persons protected by § 1-217 would be easily revealed" because the compilation of names and addresses did "not identify any person as one in the § 1-217 class . . . ." The trial court further concluded that "it would undercut the 'harmony' of § 12-55 with § 1-217 to allow or require the assessor to redact either the [electronic file] or the grand list before it becomes publicly available."[10] Accordingly, the trial court rendered judgments dismissing the administrative appeals. These appeals followed.[11] See footnote 4 of this opinion.

On appeal, the plaintiffs claim that § 12-55 is inapplicable to this case because the electronic file is not the motor vehicle grand list; rather, they argue it is raw data that the assessor must check for accuracy, including equalizing assessments, before taking an oath on the list pursuant to § 12-55 (b). The plaintiffs further claim that, even if the electronic file is the equivalent of the motor vehicle grand list, the trial court improperly concluded that a grand list made public pursuant to § 12-55 (a) is not subject to redaction under § 1-217. Finally, the state agencies claim that the enactment of Public Acts 2010, No. 10-110, § 22 (P.A. 10-110), has rendered these appeals moot by resolving the statutory issue conclusively in their favor.

I

As a threshold matter, we address the state agencies' claim, made in a supplemental authorities letter submitted pursuant to Practice Book § 67-10, that the enactment of P.A. 10-110, § 22, has rendered these appeals moot by resolving the statutory issue conclusively in their favor. In P.A. 10-110, § 22, the legislature amended § 14-163 by, inter alia, adding a new subsection (c) which provides: "No assessor or tax collector shall disclose any information contained in any list provided by the commissioner pursuant to subsections (a) and (b) of this section if the commissioner is not required to provide such information or if such information is protected from disclosure under state or federal law." See also footnote 3 of this opinion.

"Whether an action is moot implicates a court's subject matter jurisdiction and is therefore a question of law over which we exercise plenary review. . . . A case is considered moot if [the] court cannot grant the appellant any practical relief through its disposition of the merits . . . ." (Citation omitted; internal quotation marks omitted.) *Vincent Metro, LLC* v. *Yah Realty, LLC*, 297 Conn. 489, 495, 1 A.3d 1026 (2010). As a jurisdictional matter, we disagree with the state agencies with respect to the potential effect of P.A. 10-110, § 22. Even if P.A. 10-110, § 22, is directly on point, operates retroactively and, therefore, conclusively resolves these appeals in the plaintiffs' favor, it does not render them moot. It simply would change the analysis by which we

provide the plaintiffs with their desired practical relief of reversing the judgments of the trial court.

With respect to the import of P.A. 10-110, § 22, itself, we further conclude that, even if deemed retroactively applicable, it is not by itself dispositive of this appeal. Although P.A. 10-110, § 22, precludes assessors from disclosing information provided by the department that is "protected from disclosure under state or federal law," that phrase simply begs the question presented by the commission's arguments in this appeal, namely, that § 1-217 is inapplicable to grand lists and their component data.

II

With respect to the plaintiffs' statutory claims, they contend that, even assuming that the electronic file is the equivalent of the motor vehicle grand list,[12] the trial court nevertheless improperly concluded that a grand list made public pursuant to § 12-55 (a) is not subject to redaction under § 1-217. To this end, the state agencies and the union argue that the trial court improperly relied on *Davis* v. *Freedom of Information Commission*, 47 Conn. Sup. 309, 790 A.2d 1188 (2001), aff'd, 259 Conn. 45, 787 A.2d 530 (2002) (per curiam), and *Gold* v. *McDermott*, 32 Conn. Sup. 583, 347 A.2d 643 (App. Sess. 1975), because those cases did not concern § 1-217 or any other exceptions to the act applicable to assessors. Rather, the plaintiffs claim that the language of § 1-217 clearly and unambiguously effectuates its purpose of protecting the enumerated categories of government employees and officials whose employment duties expose them to individuals who might wish to harm them or their families. Relying on the legislature's recent rejection of amendments to § 1-217 that expressly would have permitted the disclosure of these addresses in connection with, inter alia, grand lists or voter registration lists, the plaintiffs further contend that the commission's construction of § 1-217 is illogical because it shields that information from disclosure by some, but not all, sources, and, as put by the state agencies, affords "no protection at all from a creative and inquisitive miscreant bent on locating and harming a specific individual or his/her family." Thus, the plaintiffs, noting the more limited scope of the redactions performed initially by the department pursuant to General Statutes (Rev. to 2009) § 14-10 (e)[13] before providing the electronic file, argue that DelGrosso properly declined to provide the electronic file to the complainant without first redacting information therein protected by § 1-217.

In response, the commission, emphasizing that the trial court properly deferred to its statutory analysis, contends that any redaction of the grand list, including the electronic file that essentially is the town's motor vehicle grand list, contravenes centuries of well settled common and statutory law requiring that the grand list,

as the tax roll, be complete, accurate and open for public inspection. The commission also relies on *Davis* v. *Freedom of Information Commission*, supra, 47 Conn. Sup. 309, and contends that, in the absence of specific language on point, § 12-55 (a) does not permit any redactions to or omissions from a motor vehicle grand list, even if other laws preclude the disclosure of certain information contained therein. The commission further contends that the plaintiffs' application of § 1-217 impermissibly would work an implied repeal of § 12-55, and, given the practical issues attendant to notifying the assessor of those residents who are protected under § 1-217, is unworkable and promises only illusory protection, especially in larger municipalities.[14]

Assuming, without deciding, that substantial evidence supports the commission's determination that the electronic file is the equivalent of the motor vehicle grand list, we conclude that § 1-217 applies to motor vehicle grand lists and any component data provided pursuant to § 14-163. Accordingly, we disagree with the decision of the trial court holding to the contrary.

It is well established that an administrative agency's decision under the Uniform Administrative Procedure Act, General Statutes § 4-166 et seq., with respect to the construction of a statute is not entitled to special deference when that determination "has not previously been subjected to judicial scrutiny [or to] . . . a governmental agency's time-tested interpretation . . . ." (Internal quotation marks omitted.) *Dept. of Public Safety* v. *Freedom of Information Commission*, 298 Conn. 703, 716–17, 6 A.3d 763 (2010). Thus, because this case presents an issue of statutory construction that has never been subjected to judicial scrutiny and lacks a time-tested agency interpretation, the commission's determination regarding the applicability of § 1-217 to motor vehicle grand lists promulgated pursuant to § 12-55, and their component data, is not entitled to the traditional deference normally accorded an agency's interpretation.[15] Instead, "[w]ell settled principles of statutory interpretation govern our review. . . . Because statutory interpretation is a question of law, our review is de novo. . . . When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . The test to determine ambiguity is

whether the statute, when read in context, is susceptible to more than one reasonable interpretation. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter . . . .'' (Internal quotation marks omitted.) Id., 720–21.

Resolution of the issue in the present case requires an examination of three related statutes. Section 12-55 (a) provides in relevant part: ''On or before the thirty-first day of January of each year, except as otherwise specifically provided by law, the assessors or board of assessors shall publish the grand list for their respective towns. Each such grand list shall contain the assessed values of all property in the town . . . . The assessor or board of assessors shall lodge the grand list for public inspection, in the office of the assessor on or before said thirty-first day of January, or on or before the day otherwise specifically provided by law for the completion of such grand list. . . .'' Section 1-217 (a) provides in relevant part: ''No public agency may disclose, under the Freedom of Information Act, the residential address'' of the public officials and employees designated therein. Section 1-210 (a) 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 . . . shall be public records and every person shall have the right to . . . (1) inspect such records . . . .'' (Emphasis added.)

Reading these statutes together, as we are required to do by § 1-2z, we conclude that there is no ambiguity regarding a town assessor's obligation not to disclose the home addresses of the designated public officials and employees when making a grand list and its component data available for public inspection, despite the lack of an explicit exception in § 12-55, because § 1-217 (a) prohibits the disclosure of such information and § 1-210 (a) expressly supports this prohibition by permitting exceptions to disclosure when specifically authorized by any federal law or state statute. As recently noted by this court in validating exceptions to the disclosure provision of the act in another context, ''[t]he exemptions contained in [various state statutes] reflect a legislative intention to balance the public's right to know what its agencies are doing, with the governmental and private needs for confidentiality. . . . [I]t is this balance of the governmental and private needs for confidentiality with the public right to know that must govern the interpretation and application of the [act].'' (Internal quotation marks omitted.) *Dept. of Public Safety* v. *Freedom of Information Commission*, supra, 298 Conn. 726. Accordingly, the trial court improperly determined that grand lists and their component data are not subject to redaction under the statu-

tory scheme and improperly dismissed the plaintiffs' administrative appeals.

We disagree with the concurrence that the statutory scheme is subject to more than one reasonable interpretation and is sufficiently ambiguous to justify resort to extratextual sources, including the legislative history of § 1-217 (a). Although the concurrence concludes, and we agree, that "the text of § 1-217 (a) applies only to requests under the act," the concurrence nonetheless finds that the statute is ambiguous and examines the legislative history because the statute "does not impose a blanket of confidentiality over protected individuals' addresses for *all* purposes, and nothing in the text of § 12-55 (a) expressly provides for any exceptions with respect to the publication of the grand list or authorizes any redactions from the final published list." (Emphasis added.) Whether the statute imposes "a blanket of confidentiality over protected individuals' addresses" in any other context, however, is irrelevant. The question presented in this appeal is whether the commission properly ordered the disclosure of information "in response to a citizen's freedom of information request" under § 1-217 (a). Thus, under the concurrence's own reasoning, § 1-217 (a) clearly applies to the request *in this case* because, as the concurrence concedes, "the text of § 1-217 (a) applies . . . to requests under the act . . . ."[16]

To the extent the concurrence joins the trial court in relying, "[p]urely by way of background," on *Gold* v. *McDermott*, [supra, 32 Conn. Sup. 583], and *Davis* v. *Freedom of Information Commission*, [supra, 47 Conn. Sup. 309], for the proposition that records collected in connection with the preparation of the grand list generally are subject to disclosure under § 12-55, its discussion of those cases is an unnecessary distraction in light of its acknowledgment that the analysis in *Davis*, like that in *Gold*, "begs the legal question presented in this appeal . . . [because §] 1-217 is not mentioned anywhere in either decision, likely because it did not become applicable to local governments until after October 1, 1999 [twenty-four years after *Gold* was decided] . . . and there was no mention in either case of providing the requested documents subject to any kind of redaction." (Citation omitted.) We thus do not understand how a discussion of *Gold* and *Davis* is germane to the analysis in this case.

The judgments are reversed and the cases are remanded with direction to sustain the appeals.

In this opinion ROGERS, C. J., and PALMER and McLACHLAN, Js., concurred.

[1] General Statutes § 1-217 provides: "(a) No public agency may disclose, under the Freedom of Information Act, the residential address of any of the following persons:

"(1) A federal court judge, federal court magistrate, judge of the Superior Court, Appellate Court or Supreme Court of the state, or family support magistrate;

"(2) A sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Public Safety or a sworn law enforcement officer within the Department of Environmental Protection;

"(3) An employee of the Department of Correction;

"(4) An attorney-at-law who represents or has represented the state in a criminal prosecution;

"(5) An attorney-at-law who is or has been employed by the Public Defender Services Division or a social worker who is employed by the Public Defender Services Division;

"(6) An inspector employed by the Division of Criminal Justice;

"(7) A firefighter;

"(8) An employee of the Department of Children and Families;

"(9) A member or employee of the Board of Pardons and Paroles;

"(10) An employee of the judicial branch;

"(11) An employee of the Department of Mental Health and Addiction Services who provides direct care to patients; or

"(12) A member or employee of the Commission on Human Rights and Opportunities.

"(b) The business address of any person described in this section shall be subject to disclosure under section 1-210. The provisions of this section shall not apply to Department of Motor Vehicles records described in section 14-10."

[2] The grand list is promulgated pursuant to General Statutes § 12-55, which provides in relevant part: "(a) On or before the thirty-first day of January of each year, except as otherwise specifically provided by law, the assessors or board of assessors shall publish the grand list for their respective towns. Each such grand list shall contain the assessed values of all property in the town, reflecting the statutory exemption or exemptions to which each property or property owner is entitled, and including, where applicable, any assessment penalty added in accordance with section 12-41 or 12-57a for the assessment year commencing on the October first immediately preceding. The assessor or board of assessors shall lodge the grand list for public inspection, in the office of the assessor on or before said thirty-first day of January, or on or before the day otherwise specifically provided by law for the completion of such grand list. The town's assessor or board of assessors shall take and subscribe to the oath, pursuant to section 1-25, which shall be certified by the officer administering the same and endorsed upon or attached to such grand list. For the grand list of October 1, 2000, and each grand list thereafter, each assessor or member of a board of assessors who signs the grand list shall be certified in accordance with the provisions of section 12-40a. . . ."

[3] General Statutes (Rev. to 2009) § 14-163 provides: "(a) The commissioner shall compile information concerning motor vehicles and snowmobiles subject to property taxation pursuant to section 12-71 using the records of the Department of Motor Vehicles and information reported by owners of motor vehicles and snowmobiles. In addition to any other information the owner of a motor vehicle or snowmobile is required to file with the commissioner by law, such owner shall provide the commissioner with the name of the town in which such owner's motor vehicle or snowmobile is to be set in the list for property tax purposes, pursuant to section 12-71. On or before December 1, 2004, and annually thereafter, the commissioner shall furnish to each assessor in this state a list identifying motor vehicles and snowmobiles that are subject to property taxation in each such assessor's town. Said list shall include the names and addresses of the owners of such motor vehicles and snowmobiles, together with the vehicle identification numbers for all such vehicles for which such numbers are available.

"(b) On or before October 1, 2004, and annually thereafter, the commissioner shall furnish to each assessor in this state a list identifying motor vehicles and snowmobiles in each such assessor's town that were registered subsequent to the first day of October of the assessment year immediately preceding, but prior to the first day of August in such assessment year, and that are subject to property taxation on a supplemental list pursuant to section 12-71b. In addition to the information for each such vehicle and snowmobile specified under subsection (a) of this section that is available to the commissioner, the list provided under this subsection shall include a code related to the date of registration of each such vehicle or snowmobile."

We note that in Public Acts 2010, No. 10-110, § 22 (P.A. 10-110), the legislature amended § 14-163 by, inter alia, adding a new subsection (c), which provides: "No assessor or tax collector shall disclose any information

contained in any list provided by the commissioner pursuant to subsections (a) and (b) of this section if the commissioner is not required to provide such information or if such information is protected from disclosure under state or federal law." See also P.A. 10-110, § 22 (a) and (b) (changing word "furnish" to "provide" in § 14-163 [a] and [b]).

[4] Each of the plaintiffs appealed separately from the judgment of the trial court to the Appellate Court. Thereafter, the Appellate Court granted the freedom of information commission's motion for permission to file a single brief responding to the plaintiffs' claims in each appeal. This court subsequently transferred the appeal to itself pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1.

[5] Shortly before, on June 9, 2008, the complainant had requested an exact electronic copy of the town's real estate grand list. DelGrosso informed the complainant that he would provide a copy of the real estate grand list for a fee of $25, which would compensate the town for DelGrosso's time spent redacting information protected by § 1-217. The complainant then withdrew his request for the real estate grand list and submitted his request for the electronic file at issue in this appeal.

[6] The department contracts with private vendors, Quality Data Services and Tumbleweed Communications, to produce and provide these data files in a sortable format.

[7] DelGrosso redacts the names either at the request of a town resident who is within the scope of § 1-217, or on his own initiative, if, given the town's relatively small population, he recognizes a person as subject to that statute.

[8] Each of the plaintiffs moved to intervene as parties in the proceedings before the commission. A commissioner, acting as hearing officer, granted those motions limited to providing legal argument and briefs, although he did permit attorneys representing the department of public safety and the department of correction to question witnesses at the contested case hearing.

[9] The commission concluded as a threshold matter that the plaintiffs are "public agencies," as defined by General Statutes § 1-200 (1), subject to the act, and that the electronic file is a "public record" as defined by General Statutes §§ 1-200 (5) and 1-210 (a). We note that these threshold conclusions are not at issue in this appeal.

[10] The trial court rejected, however, the commission's conclusion that " 'the most obvious and likely place' to obtain a record containing a residential address is the agency where he or she is employed." The trial court called a grand list, for example, "distinguishable from a directory of town employees with title[s] and street address[es]," to which § 1-217 "would clearly apply." The court further rejected the commission's determination that § 1-217 applies only to a protected person's employing agency, emphasizing that "[*a*]*ny* governmental official must not disclose the residential address of an individual protected by § 1-217." (Emphasis in original.)

[11] The trial court subsequently granted the plaintiffs' unopposed motions for a stay pending these appeals pursuant to Practice Book § 61-12.

[12] We note that the state agencies also contend that the electronic file is not the legal equivalent of the motor vehicle grand list because it simply is raw uncorrected data that lacks the vehicles' assessed values, which the assessor must add to create the grand list.

[13] General Statutes (Rev. to 2009) § 14-10 provides in relevant part: "(a) For the purposes of this section:

"(1) 'Disclose' means to engage in any practice or conduct to make available and make known, by any means of communication, personal information or highly restricted personal information contained in a motor vehicle record pertaining to an individual to any other individual, organization or entity;

"(2) 'Motor vehicle record' means any record that pertains to an operator's license, learner's permit, identity card, registration, certificate of title or any other document issued by the Department of Motor Vehicles;

"(3) 'Personal information' means information that identifies an individual and includes an individual's photograph or computerized image, Social Security number, operator's license number, name, address other than the zip code, telephone number, or medical or disability information, but does not include information on motor vehicle accidents or violations, or information relative to the status of an operator's license, registration or insurance coverage . . . .

"(c) (1) All records of the Department of Motor Vehicles pertaining to the application for registration, and the registration, of motor vehicles of the current or previous three years shall be maintained by the commissioner

at the main office of the department. Any such records over three years old may be destroyed at the discretion of the commissioner. (2) Before disclosing personal information pertaining to an applicant or registrant from such motor vehicle records or allowing the inspection of any such record containing such personal information in the course of any transaction conducted at such main office, the commissioner shall ascertain whether such disclosure is authorized under subsection (f) of this section, and require the person or entity making the request to (A) complete an application that shall be on a form prescribed by the commissioner, and (B) provide two forms of acceptable identification. An attorney-at-law admitted to practice in this state may provide his or her juris number to the commissioner in lieu of the requirements of subparagraph (B) of this subdivision. The commissioner may disclose such personal information or permit the inspection of such record containing such information only if such disclosure is authorized under subsection (f) of this section. . . .

"(e) In the event (1) a federal court judge, federal court magistrate or judge of the Superior Court, Appellate Court or Supreme Court of the state, (2) a member of a municipal police department or a member of the Division of State Police within the Department of Public Safety, (3) an employee of the Department of Correction, (4) an attorney-at-law who represents or has represented the state in a criminal prosecution, (5) a member or employee of the Board of Pardons and Paroles, (6) a judicial branch employee regularly engaged in court-ordered enforcement or investigatory activities, (7) an inspector employed by the Division of Criminal Justice, (8) a federal law enforcement officer who works and resides in this state, or (9) a state referee under section 52-434, submits a written request and furnishes such individual's business address to the commissioner, such business address only shall be disclosed or available for public inspection to the extent authorized by this section.

"(f) The commissioner may disclose personal information from a motor vehicle record to:

"(1) Any federal, state or local government agency in carrying out its functions or to any individual or entity acting on behalf of any such agency . . . ."

We note that, in Public Acts 2010, No. 10-110, § 28, the legislature amended § 14-10 in relevant part by expanding the scope of subsection (e) to include "lake patrol[men] appointed pursuant to subsection (a) of section 7-151b engaged in boating law enforcement . . . ."

[14] The commission notes, specifically, the ready access to individuals' personal information on various commercial websites, notwithstanding those persons' status under § 1-217 or desire to keep their information unlisted in traditional directories.

[15] The commission cites numerous agency decisions in support of the proposition that, in no case, has it "interpreted . . . § 1-217, which is part of the . . . act that the [commission] is charged with enforcing, to require or permit any redaction to grand lists and other records [required by statute to be complete and open to public inspection]." That ambiguous proposition ultimately lacks persuasive value because none of the cited cases actually involve § 1-217. See *Smith* v. *Kosofsky*, Freedom of Information Commission, Docket No. FIC 2009-076 (September 23, 2009) (assessor violated act by not providing motor vehicle and real property grand lists in timely manner, despite claimed technical problems); *Tatoian* v. *Assessor*, Freedom of Information Commission, Docket No. FIC 2005-258 (March 8, 2006) (Federal Drivers' Privacy Protection Act; 18 U.S.C. § 2721 et seq.; did not preclude disclosure of motor vehicle grand list information pertaining to make, model, year and assessed value of car owned by specific person); *O'Brien* v. *Zinn*, Freedom of Information Commission, Docket No. FIC 2002-048 (September 25, 2002) (real estate grand lists; matter settled); *Symmes* v. *Democratic Registrar of Voters*, Freedom of Information Commission, Docket No. FIC 2001-268 (August 22, 2001) (voter lists); *Brennan* v. *Tax Assessor*, Freedom of Information Commission, Docket No. FIC 1999-483 (April 26, 2000) (disclosure of motor vehicle grand list not barred by Federal Drivers' Privacy Protection Act or General Statutes §§ 14-10 and 14-50a).

Similarly, the cited agency decisions that do apply § 1-217 do not involve grand lists or their component data. See *Simmons* v. *East Haven Police Dept.*, Freedom of Information Commission, Docket No. FIC 2009-032 (December 2, 2009) (police department properly redacted, inter alia, officer's residential address in response to records request filed by inmate); *Weinstein* v. *Commissioner of Public Safety*, Freedom of Information Commission, Docket No. FIC 2006-374 (July 11, 2007) (commissioner of public safety

properly redacted from investigation report residential addresses of city police officers); *Frank* v. *Personnel & Labor Relations Director*, Freedom of Information Commission, Docket No. FIC 2004-074 (January 12, 2005) (city properly provided names, but not addresses, of retired city police officers found ineligible to use city health insurance); *Brey* v. *Chief Information Officer*, Freedom of Information Commission, Docket No. FIC 2001-117 (February 13, 2002) (commissioner of correction properly could redact telephone numbers and list of certain municipalities that were telephoned, from requested telephone records if that specific information would pose "safety risk" by "indirectly lead[ing] to identification of the addresses of department of corrections employees").

Thus, given that none of these cases are directly on point, we need not engage in the temporal analysis to determine whether the commission's construction of § 1-217 constitutes a time-tested interpretation entitled to deference. See, e.g., *Board of Selectmen* v. *Freedom of Information Commission*, 294 Conn. 438, 448–49, 984 A.2d 748 (2010). Moreover, because the trial court decision cited by the commission; see *Tompkins* v. *Freedom of Information Commission*, Superior Court, judicial district of New Britain, Docket No. CV 08-4018826-S (July 13, 2009) (disciplinary records of police officer); involves § 1-217, but not grand lists or their component data, we also "need not decide whether a trial court's review of an agency's interpretation would constitute judicial scrutiny sufficient to trigger deference to the agency's subsequent application of that interpretation." *Board of Selectmen* v. *Freedom of Information Commission*, supra, 449 n.7.

[16] The concurrence justifies its finding of ambiguity, despite expressly acknowledging that "the text of § 1-217 (a) applies . . . to requests under the act," on the ground that § 12-55 (a) can be read as providing "what is in essence an exception to the exception found in § 1-217 (a)." See footnote 7 of the concurring opinion. This cannot be the case for at least two reasons. First, the act does not provide for exceptions to exceptions. Second, § 12-55 (a) was enacted in 1949, forty-six years *before* the enactment of §1-217 (a) in 1995. Thus, § 12-55 could not have been enacted as an exception to a provision that was not yet in existence and, to the extent the concurrence relies on this reading of § 12-55 to find the statutory scheme ambiguous and to justify an examination of the legislative history of the relevant statutes and other extratextual sources, it is unconvincing.