

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Halina Trelski,

Complainant

against

Docket #FIC 2016-0241

Director, State of Connecticut,
Connecticut State Colleges and
Universities; and State of
Connecticut, Connecticut State
Colleges and Universities,

Respondents

March 8, 2017

The above-captioned matter was heard as a contested case on June 21, 2016 and July 12, 2016, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 March 23, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of public records.
3. It is found that the complainant made a March 16, 2016 request to the respondents for all letters and emails received by, or sent by, Mr. James Ebbeling, pertaining to the complainant's education or student loans, during the period February 1, 2016 to March 16, 2016.
4. It is found that Mr. Ebbeling had been assigned the task of responding to the complainant's issues regarding her previous attendance at Middlesex Community College, particularly the repayment of student loans she incurred when she was a student some ten years ago.
5. It is found that Mr. Ebbeling met with the complainant on February 11, 2016.

6. It is found that when Mr. Ebbeling subsequently received the complainant's request for his own emails and letters, he forwarded it that day to the respondents' designated FOI Act representative, out of Mr. Ebbeling's concern that he could be accused of withholding or deleting his own records.

7. It is found, however, that neither Mr. Ebbeling nor the FOI Act representative, nor any other person at the respondents' offices took any further action on the complainant's request until shortly before the hearing on this matter.

8. It is found that Mr. Ebbeling became aware of the lack of action on the complainant's request shortly before the hearing on his matter, and took immediate action to cause a search of his records and files.

9. It is found that the respondents provided all the records responsive to the complainant's request on or about June 27, 2016.

10. 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.

11. 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.

12. Section 1-212(a), G.S., provides in relevant part that "[a] person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

13. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

14. It is found that the respondents provided all the records that are responsive to the complainant's request.

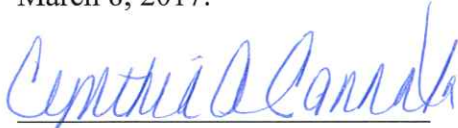
15. It is also found, however, that the records were not provided promptly within the meaning of §1-212(a), G.S.

16. It is therefore concluded that the respondents violated the promptness provision of §1-212(a), G.S.

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

1. Henceforth the respondents shall strictly comply with promptness provision of §§1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 8, 2017.



Cynthia A. Cannata
Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

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and Universities; and State of Connecticut, Connecticut
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Cynthia A. Cannata
Acting Clerk of the Commission