



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Halina Trelski,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0184

President, State of Connecticut, Middlesex Community
College; and State of Connecticut, Middlesex Community
College,

Respondent(s)

November 10, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, December 7, 2016**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE November 22, 2016**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE November 22, 2016**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE November 22, 2016**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Halina Trelski
Attorney Mary K. Lenehan

FIC# 2016-0184/Trans/wrbp/KKR/TCB/2016-11-10

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Halina Trelski,

Complainant

against

Docket #FIC 2016-0184

President, State of Connecticut,
Middlesex Community College; and
State of Connecticut, Middlesex
Community College,

Respondents

July 26, 2016

The above-captioned matter was heard as a contested case on June 3, 2016, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. After the hearing, and at the request of the hearing officer, the complainant submitted an exhibit and, pursuant to §1-21j-38, of the Regulations of Connecticut State Agencies, such exhibit has been marked as Complainants' Exhibit F (after-filed).

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 email dated February 11, 2016, the complainant requested from the respondents copies of:
 - (a) Ruameil [sic] since January 1, 2002 to January 1, 2005;
 - (b) Ruemail [sic] from January 1, 2006 to January 1, 2007;
 - (c) in the financial aid timeline (#9) is written 03/16/2005 student indicated...(note in the Banner) the Banner since January 2, 2002 to January 1, 2010.
3. It is found that the complainant requested certified copies of the records, responsive to the request, described in paragraph 2(b), above. It is found that the complainant reiterated, in her email to the respondents dated February 25, 2016, that she wanted certified copies of these records.
4. It is found that, by email dated March 4, 2016, the respondents provided certain records to the complainant.

5. By email dated and filed March 4, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request, described in paragraph 2, above.

6. 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.

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

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 or . . . (3) receive a copy of such records in accordance with section 1-212.

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

9. It is found that, to the extent the respondents maintain records responsive to the request, described in paragraph 2, above, such records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that the term “Banner” refers to a database used by the Connecticut State Colleges and Universities (“CSCU”) to manage student information, including student financial aid information. It is found that the term “Ruamail” refers to a system within the Banner database that is used, in part, to generate form letters sent by CSCU to students pertaining to financial aid. It is found that neither the actual letters generated, nor copies thereof, are maintained by the respondents.

11. It is found that the complainant was seeking entries referencing herself in the Banner database, and specifically in the Ruamail system. It is found that, after meeting with the complainant and ascertaining the information she was seeking, the respondents determined that they could take “screen shots” of entries made in the Ruamail system that pertained to the complainant for the some of the years requested. It is also found that there were years for which

no entries were found in the system, and that for those years, the respondents provided a “screen shot” of the Ruamail screen which indicated that the query retrieved no entries pertaining to the complainant.

12. At the hearing in this matter, the complainant insisted that the Ruamail system should contain entries for particular years and that the respondents violated the FOI Act because the respondents do not maintain entries in their system for those years.

13. It is found, however, that the respondents provided to the complainant all records they maintain that are responsive to the requests, described in paragraphs 2(a) and 2(b), above.

14. Nonetheless, it is found that the respondents did not provide to the complainant certified copies of the records responsive to the request, described in paragraph 2(b), above, and it is concluded that the respondents therefore violated §1-212(a), G.S.

15. With regard to the request, described in paragraph 2(c), above, it is found that the complainant was seeking a copy of a “screen shot” of the Ruamail screen that would reflect an entry made on March 16, 2005.

16. It is found that the respondents’ Ruamail system contains the March 16, 2005 entry sought by the complainant, but that the respondents did not provide the complainant with a “screen shot” of such entry, as they did in response to the requests, described in paragraphs 2(a) and 2(b), above. It is found that, instead, the respondents created a record consisting of a list of all the entries pertaining to the complainant contained in the Ruamail system. The witness for the respondents testified that, based upon his understanding of the information the complainant was seeking, he believed a list of all entries would be more useful to the complainant, rather than the “screen shot.”

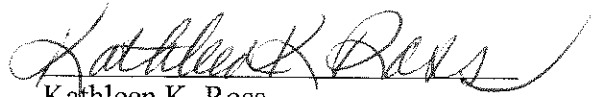
17. At the hearing in this matter, the complainant stated that she was not satisfied with the list and that she wanted the “screen shot.”

18. It is found that the request, described in paragraph 2, was very confusing and that the respondents made every effort to understand and comply with such request. Based on all of the facts and circumstances of this case, it is found that the respondents did not violate the disclosure provisions in §§1-210(a) and 1-212(a), G.S., by failing to provide the “screen shot” responsive to the request, described in paragraph 2(c), above.

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 to the complainant a certified copy of the records responsive to the request described in paragraph 2(b) of the findings, above.

2. Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a), G.S.

A handwritten signature in cursive script, appearing to read "Kathleen K. Ross". The signature is written in black ink and is positioned above a horizontal line.

Kathleen K. Ross
as Hearing Officer

FIC 2016-0184/hor/kkr/07182016