

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Halina Trelski,

Complainant

against

Docket #FIC 2016-0627

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

Respondents

June 14, 2017

The above-captioned matter was heard as a contested case on November 3, 2016, and January 13, 2017, 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. It is found that, by email dated August 1, 2016, the complainant requested that the respondents provide her with copies of the following: Part of the Banner¹ pertaining to the complainant for school years 2004 through 2007, and all records pertaining to the complainant's education, student loans, financial aid from December 1, 2015 to the present, that were sent to and received from the United States Department of Education.² It is found that the respondents acknowledged the August 1st request on August 18, 2016.
3. It is found that, by emails dated August 18, 2016, and August 19, 2016, the complainant requested that the respondents provide her with copies of any correspondence sent to and from Middlesex Community College President Anna Wasescha from November 12, 2015

¹ The term "Banner" refers to a database used by the Connecticut State Colleges and Universities to manage student information, including student academic and financial aid information.

² The Commission notes that the August 1st request is in large part duplicative of the request at issue in Docket #FIC 2016-0308; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College, which involved school years 2001 through 2006, and was already adjudicated by the Commission.

to the present pertaining to the complainant. The complainant also requested a fee waiver for any documents provided in response to such records request.

4. It is found that, by email dated August 19, 2016, the respondents acknowledged the complainant's August 18th request, described in paragraph 3, above, and provided her with a copy of their freedom of information indigency form. The respondents informed her that such form must be completed in order for them to consider her request for a fee waiver. It is found that at no point did the complainant provide the respondents with a completed fee waiver request form.

5. By email dated August 31, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her with copies of the records, described in paragraphs 2 and 3, above. In addition, the complainant alleged that the respondents failed to respond to her request for a fee waiver.³

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:

[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 (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.

³ In her complaint and repeatedly at the hearings in this matter, the complainant also alleged that the respondents deliberately and fraudulently altered her educational records. The accuracy of public records however is not an issue for the Commission. Accordingly, the Commission will not address such allegation in this matter. In addition, at the hearings, the complainant alleged that a certain individual illegally accessed her educational records in violation of the Family Education Rights and Privacy Act ("FERPA"). However, the issue of who is authorized to access a student's educational records in compliance with FERPA is not an issue for the Commission, and will not be further addressed herein. At the hearings, the complainant also alleged that the respondents' fee waiver form for records requests was unreasonable and in violation of the FOI Act. However, such allegation was not fairly raised in the complaint, and will not be further addressed herein.

8. 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.”

9. 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.

10. It is found that, on August 30, 2016, prior to the filing of the complaint in this matter, the respondents notified the complainant that they had gathered 285 pages of documents in response to the complainant’s August 1st request, and requested \$75.25 in copying fees.

11. It is found that, on September 27, 2016, the complainant requested that any documents responsive to her requests be sent electronically.

12. It is found that, on October 3, 2016, the respondents emailed the complainant copies of the 285 pages that they had previously compiled and copied in response to her August 1st request, as described in paragraph 10, above.

13. It is found that, on October 22, 2016, the respondents mailed the complainant a compact disk containing records responsive to her August 18th request, free of charge.

14. It is found that the respondents provided the complainant with copies of all records responsive to her August 1st and August 18th records requests. It is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 14, 2017.



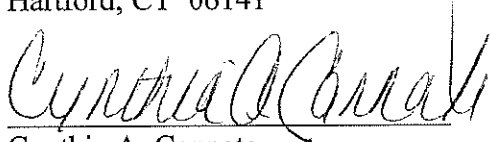
Cynthia A. Cannata
Acting Clerk of the Commission

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 State of Connecticut, Middlesex Community College
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Acting Clerk of the Commission