

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jason Schilling,

Complainant

against

Docket #FIC 2015-698

Superintendent of Schools, Regional
School District #10; and Regional
School District #10,

Respondents

July 27, 2016

The above-captioned matter was heard as a contested case on January 7, 2016, at which time 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 October 21, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his October 13, 2015 request for certain records related to his termination as an employee of the respondents.
3. It is found that the complainant made an October 13, 2015 request to the respondents for, among other records no longer at issue, all information regarding his termination.
4. It is found that the complainant's employment by the respondents was terminated by the respondents on September 8, 2015.
5. It is found that the October 13, 2015 request followed a September 3, 2015 request, a September 9, 2015 reply by the respondents, conversations between the parties about narrowing portions of the request, an attempt by the respondents to satisfy the complainant's requests, and a meeting on October 13, 2015 to inspect documents.

6. It is found that the respondents provided the complainant with copies of, or gave him access to inspect, approximately 5,000 electronic and paper records in response to his requests for documents regarding his termination, and other documents no longer at issue.

7. 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.

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

9. 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.”

10. It is found that the respondents maintain the requested records, and that the records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

11. It is found that the respondents conducted a diligent search for the requested records, and provided all records responsive to the request.

12. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 27, 2016.

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:

Jason Schilling
6 Burlwood Drive
Burlington, CT 06013

Superintendent of Schools, Regional School District #10;
and Regional School District #10
c/o William R. Connon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Cynthia A. Cannata
Acting Clerk of the Commission