

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Chad Greenwood and  
Tammy Greenwood,

Complainants

against

Docket #FIC 2018-0591

Town Manager, Town of Cheshire;  
and Town of Cheshire,

Respondents

September 11, 2019

The above-captioned matter was heard as a contested case on December 20, 2018, at which time the complainants 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 October 3, 2018, the complainants requested that the respondents provide them with copies of “the Town of Cheshire, Connecticut employee Michael Papa’s employee issued cellular mobile phone records, including all incoming and outgoing call logs from April 2018 to the present.”
3. It is found that, by email dated October 4, 2018, Arnett Talbot, the Assistant Town Manager for the Town of Cheshire, informed the complainants that she had forwarded the request to the school administration “as Mr. Papa is a Cheshire Public School employee.”
4. It is found that, by email dated October 9, 2018, the complainants requested that the respondents also provide them with copies of the following records:
  - a. All town of Cheshire, Connecticut employees who accessed . . . both of our children’s . . . PowerSchool (electronic education records) from the time period

August 1, 2017 to July 31, 2018;

- b. Organize the collected data as each child's documentation distinctly separate of each other's data. Please indicate the name of each child on the results included unique student identification; and
- c. Include all Town of Cheshire, Connecticut employees, including, but not limited to those of the town's Board of Education (Information Technology Department), (Superintendent's Office) & (Highland School Administration).

5. It is found that, by email dated October 9, 2018, Ms. Talbot informed the complainants, in relevant part, as follows:

Town of Cheshire employees on the Town side do not have access to any school records or data, nor do we have any information on school employees or equipment. I am again forwarding this to the school, but I think that it would be best if you contacted the schools directly with your requests. I will provide you with the information you requested on our employees' cell phones when it is compiled, but the remainder of your requests are to the Cheshire Public Schools. . . .

6. By email dated and filed October 19, 2018, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide them with the requested records.

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, (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.

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 requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S., to the extent that such records are maintained by a public agency.

11. It is found that Ms. Talbot forwarded the request set forth in paragraph 2, above, to two administrators at the Board of Education (“BOE”) for the Town of Cheshire.

12. It is found that, thereafter, the complainants received responsive public records for the months of March 2018 through September 2018 from the BOE administrators. It is found that, as of October 3, 2018 (the date the complainants issued the request set forth in paragraph 2, above), the October 2018 bill had not yet issued.

13. It is found that the respondents never maintained records responsive to the request set forth in paragraph 2, above.

14. Accordingly, it is concluded that, with regard to the request set forth in paragraph 2, above, the respondents did not violate the FOI Act as alleged in the complaint.

15. The complainants testified that, in response to the request set forth in paragraph 4, above, they may have received some responsive records, but they were unable to recall specifically that they did receive such records. The complainants testified that, even if they did receive such records, they believe that there should be more responsive records.

16. First, it is found that the request set forth in paragraph 4.b, above, is not a request for public records, but rather a request that the respondents organize and label their public records in a particular manner.

17. The Commission oversees the statutory mandate that public agencies are required to provide record requesters with access to non-exempt public records. See ¶ 8, above. However, the Commission will not direct the respondents to organize or label their records in a particular manner in response to a FOI request. Accordingly, the

Commission will not further address the request in paragraph 4.b, above.

18. With regard to the requests set forth in paragraphs 4.a, and 4.c, above, it is found that the respondents acknowledged the request and searched for responsive public records. It is found that the respondents determined that they did not maintain any records responsive to either of these requests.

19. Accordingly, it is concluded that, with regard to the request set forth in paragraphs 4.a, and 4.c, above, 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 September 11, 2019.



Cynthia A. Cannata  
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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:

**CHAD GREENWOOD AND TAMMY GREENWOOD**, 46 Belridge Road, Cheshire, CT 06410

**TOWN MANAGER, TOWN OF CHESHIRE; AND TOWN OF CHESHIRE**, c/o Attorney Alfred E. Smith, Jr., Murtha Cullina LLP, 265 Church Street, 9th Floor, New Haven, CT 06510



Cynthia A. Cannata  
Acting Clerk of the Commission