

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Molly Salafia,

Complainant

against

Docket #FIC 2021-0577

Director of Communications, Middletown  
Public Schools; and Middletown Public  
Schools,

Respondents

July 13, 2022

The above-captioned matter was heard as a contested case on March 3, 2022 and May 18, 2022, at which times complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

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 September 8, 2021, the complainant requested that the respondents provide her with copies of the following records:
  - a. all emails, notes from phone calls between the superintendent, communications director, and between all elected members of the board of education of Middletown from August 1, 2021 until today, September 8, 2021, discussing mask breaks and recess in the MPS K-5 schools; and
  - b. all emails from parents to the board of education elected members and superintendent, including but not limited to, all responses from all board of education directors/superintendent to parent questions, directors/superintendent responses to board of education members, and all communications, including

and not limited to, email and text messages, SMS messages, Facebook messenger messaging, notes from meetings and phone calls between board of education members. . . from August 1, 2021 to September 8, 2021 discussing mask breaks and recess in the MPS K-5 schools.

3. It is found that, by email dated September 16, 2021, the complainant informed the respondents that she wanted to extend the date ranges of the requests set forth in paragraph 2, above, to August 1, 2021 through September 14, 2021.

4. It is found that, by email dated September 17, 2021, the complainant also requested that the respondents provide her with a copy of an email and any attachments that were “sent from the Superintendent to all elected Board of Education members shortly prior to [July 15, 2021]” and which “was circulating on social media on July 15, 2021.”

5. It is found that, by email dated October 1, 2021, the complainant requested a status update with regard to the processing of the requests set forth in paragraph 2, above, (as modified by paragraph 3, above), and with regard to the request set forth in paragraph 4, above.

6. It is found that, by email dated October 5, 2021, and in response to the request set forth in paragraph 4, above, the respondents disclosed to the complainant one PDF file consisting of four unredacted records.

7. By email dated and filed October 5, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with all responsive records.

8. Section §1-200(5), G.S., provides:

“[p]ublic 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, videotaped, printed, photostated, photographed or recorded by any other method.

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

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

10. 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.”

11. 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.

12. At the first contested case hearing, the respondents represented that they had fully complied with all of the complainant’s requests.

13. Specifically, it is found that, while the respondents testified that they had recently disclosed 308 pages of records to the complainant in response to the request set forth in paragraph 2, above, (as modified by paragraph 3, above), the complainant testified that she had not received the disclosure. The complainant requested that the contested case hearing be continued so that the respondents could resend her the records. The complainant’s request was granted.

14. At the start of the second contested case hearing, the complainant testified that she had received respondents’ disclosure of 308 pages and that the requests set forth in paragraph 2, above, (as modified by paragraph 3, above), were fully satisfied.

15. With regard to the request set forth in paragraph 4, above, the complainant stated that, on or about October 5, 2021, she had received the PDF file consisting of four unredacted records. However, the complainant contended that this request was not satisfied as she had not received any “attachments” to the email.

16. It is found that there were no “attachments” to the email that the complainant requested. It is further found that, while the complainant requested “attachments” to the superintendent’s email, she intended to request copies of all records that reflected the recipients of the superintendent’s email.

17. It is found that that the respondents interpreted the term “attachments” to mean documents attached to the requested email. It is found that such interpretation is fair and reasonable.

18. It is further found that, after receiving the October 5 disclosure referred to in paragraphs 6 and 15, above, the complainant never contacted the respondents to clarify that she intended to request records reflecting the recipients of the superintendent’s email.

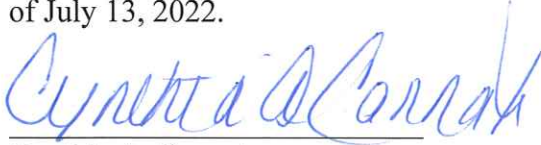
19. Accordingly, it is found that the respondents fully complied with the request set forth in paragraph 4, above.

20. It is therefore concluded that the respondents did not violate the FOI Act, as alleged in the complainant.

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 13, 2022.



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:

**MOLLY SALAFIA**, c/o Attorney Sebastian N. Giuliano, 348 Maple Shade Road, Middletown, CT 06457

**DIRECTOR OF COMMUNICATIONS, MIDDLETOWN PUBLIC SCHOOLS;  
AND MIDDLETOWN PUBLIC SCHOOLS**, c/o Attorney Jessica L. Ritter, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission