

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Glenn Ballard,

Complainant

against

Docket # FIC 2021-0137

Town Manager, Town of Granby; and Town  
of Granby,

Respondents

March 9, 2022

The above-captioned matter was heard as a contested case on October 7, 2021, at which time the 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 March 2, 2021, the complainant requested a copy of the excel spreadsheet containing the Town of Granby's proposed budget. It is found that the Town maintains the budget document in both excel and PDF (portable document format).
3. It is found that on or about March 5, 2021 the respondent Town Manager<sup>1</sup> denied the complainant's request for a copy of the excel spreadsheet and instead referred the complainant to a copy of the budget available on the Town's website, in a Portable Document Format ("PDF").
4. By letter of complaint filed March 16, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records.
5. At the time of the request in this matter, §1-200(5), G.S., provided:

"[p]ublic records or files" means any recorded data or  
information relating to the conduct of the public's business

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<sup>1</sup> On or about March 16, 2021 the Town Manager passed away.

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.<sup>2</sup>

6. 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.

7. Section 1-211(a), G.S., provides in relevant part that:

[a]ny public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, including an electronic copy sent to the electronic mail address of the person making such request, if the agency can reasonably make any such copy or have any such copy made....

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.”

9. It is found that the record described in paragraph 2, above, is a public record within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

10. At the hearing, the current Town Manager appeared and testified that she did not know why the previous town manager denied the complainant’s request. However, she testified that disclosure of the excel spreadsheet would be cumbersome and difficult, and that the complainant did not provide the respondents with adequate time to comply with his request before he filed his appeal with the Commission.

11. The facts of this case are similar to those in Docket #FIC 2020-0153; Howard Lasser v. Finance Director, Town of Brookfield; and Town of Brookfield (Feb. 24, 2021), where the Commission ordered the respondents to provide the complainant with a copy of an excel

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<sup>2</sup> The Commission notes that §1-200(5), G.S., was subsequently amended to include the term “videotaped.” See June Sp. Sess. Public Act 21-2, §147.

spreadsheet of the Town of Brookfield's annual budget that they maintained. In that case, as in the present case, the requested record was a public record maintained in a computer storage system, within the meaning of §1-211(a), G.S.

12. With regard to the respondents' claim that disclosure of the excel spreadsheet would be cumbersome and difficult, it is found that such claim, even if true, does not constitute an exemption to the disclosure requirements in §§1-210(a) and 1-212(a), G.S.

13. With regard to the respondents' claim that they did not have sufficient time to comply with the request, §1-212(a), G.S., requires a public agency to provide requested records promptly, which has been interpreted as "quickly and without undue delay." Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982). In this case, the respondents offered no evidence as to why, some seven months after the request, such record had not been disclosed.

14. Based on the foregoing, it is concluded that the respondents violated the FOI Act when they denied the request described in paragraph 2, 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 a copy of the requested excel spreadsheet, described in paragraph 2, above, at no cost to the complainant.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of March 9, 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:

**GLENN BALLARD**, 289 Granville Road, North Granby, CT 06035

**TOWN MANAGER, TOWN OF GRANBY; AND TOWN OF GRANBY**, c/o Attorney  
Richard P. Roberts, Halloran Sage LLP, One Goodwin Square, 225 Asylum Street, Hartford, CT  
06103



Cynthia A. Cannata  
Acting Clerk of the Commission