

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Joe Glenn,

Complainant

against

Docket #FIC 2023-0634

Superintendent of Schools,  
New London Public Schools;  
and New London Public Schools,

Respondents

October 23, 2024

The above-captioned matter was heard as a contested case on June 17, 2024, 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. It is found that, by email dated November 1, 2023, the complainant requested that the respondents provide him with a copy of the following records:

...all internal emails that pertain to me from January 2023 to October 2023.

Please include any emails where my name, "Joe Glenn," appears in the body of the email or any correspondence where I am either the sender or the recipient....

It is further found that the complainant signed the request as follows:

Joe Glenn  
[jeglenn02@gmail.com](mailto:jeglenn02@gmail.com)  
760-605-3728

3. It is found that, by email dated November 2, 2023, the respondents acknowledged the complainant's request.
4. It is found that, by email dated November 9, 2023, the complainant requested that the respondents inform him when he might expect to receive the requested records.

5. It is found that, by email dated November 9, 2023, the respondents informed the complainant that they were awaiting the search results from their technology consultants, and estimated that they would be able to provide the complainant with the requested records in approximately two weeks' time.

6. It is found that, by email dated November 20, 2023, the complainant requested that the respondents provide him with a status update on the processing of his request.

7. It is found that, by email dated November 22, 2023, the respondents informed the complainant that they expected to have the requested records ready for him the following week.

8. It is found that, by email dated November 28, 2023, the complainant again requested that the respondents provide him with a status update on the processing of his request. It is further found that the complainant requested that the respondents provide him with a copy of the following additional record: "the Connecticut state-mandated Affirmative Action Plan as it applies to the New London Public Schools."

9. It is found that, by email dated December 1, 2023, the respondents provided the complainant with responsive records. It is further found that, because the size of the file containing the records was so large, the respondents provided the complainant with a link to the responsive records within the email.

10. By email dated and filed December 8, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with a copy of all responsive records.

11. 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.

12. 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.

13. 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.”

14. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

15. At the hearing, while the complainant conceded that he had received some responsive records, he contended that the respondents had failed to provide him with all responsive records. He further contended that the records that he did receive were not provided to him promptly.<sup>1</sup> In response, the respondents contended that they had fully complied with their FOI obligations and had provided the complainant with all responsive records.

16. The respondents’ Manager of Executive Support Services (the “respondents’ Manager” or the “Manager”) appeared and testified at the contested case hearing on behalf of the respondents.

17. It is found that, by email dated November 3, 2023, the respondents’ Manager communicated with LEARN, a regional educational support center that manages the respondents’ database and information technology systems. It is found that the Manager instructed LEARN to conduct an email search for “any email with the name ‘Joe Glenn,’ and any emails to or from the email address [jeglenn02@gmail.com](mailto:jeglenn02@gmail.com).” It is found that the Manager’s instruction to LEARN issued the day following the respondents’ acknowledgement of the request. See ¶ 3, above.

18. It is found that, on or about November 16, 2023, LEARN forwarded the search results to the respondents’ Manager in a zip file. It is further found that, on November 16, 2023, the Manager forwarded the search results to the respondents’ counsel for review. Thereafter, it is found that counsel reviewed the search results and returned all responsive records to the Manager, who, on December 1, 2023, provided the complainant with all such records, free of charge. It is found that the respondents’ December 1 disclosure included records responsive to the complainant’s additional request for the respondents’ Affirmative Action Plan. See ¶ 8, above.

19. It is found that, by email dated December 4, 2023, the complainant informed the respondents that he believed certain emails between himself, Superintendent of New London Public Schools Cynthia Ritchie, and “other administrators” were missing from the December 1 disclosure. It is found that the complainant’s December 4 email was sent to the respondents

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<sup>1</sup> The Commission notes that, in an email received and filed in this case seven days prior to the hearing, the complainant requested that the Commission consider the imposition of the following remedies and penalties against the respondents for their alleged violation(s): 1) an order that the respondents issue a public apology to the complainant for their violation of the FOI Act; 2) a determination that the respondents violated the FOI act by failing to disclose all responsive records; 3) the imposition of a \$5,000 civil penalty against the respondents for their willful and knowing violation of the FOI Act; and 4) an order that the respondents submit a compliance report detailing the corrective actions and measures they have taken to prevent future FOI Act violations.

from the same email address that the request for records had been sent, which is [jeglenn02@gmail.com](mailto:jeglenn02@gmail.com). See ¶ 2, above.

20. It is found that, on December 4, 2023, the respondents' Manager again communicated with LEARN, requesting that it conduct a second search for emails as follows: "...can you please run this again for emails specifically between Cynthia Ritchie ([ritchiec@newlondon.org](mailto:ritchiec@newlondon.org)) and Joe Glenn ([jeglenn02@gmail.com](mailto:jeglenn02@gmail.com)). The requester believes that there may be emails missing so we just want to confirm." It is further found that, at such time, the complainant had not provided, and the respondents were not aware of, any additional email addresses for the complainant.

21. It is found that, by email dated December 6, 2023, the respondents' Manager informed the complainant that a second search for responsive records was being conducted.

22. It is found that, by email dated December 8, 2023, LEARN forwarded the search results to the respondents' Manager; however, no additional emails were unearthed as a result of this search. It is found that, by email dated January 19, 2024, the Manager informed the complainant that the second search yielded the same search results as the first search.

23. It is found that, by emails dated January 26, 2024, and February 5, 2024, the complainant requested that the respondents provide him with a "final confirmation" of all records. It is found that, by sending such emails, the complainant sought to emphasize his belief that he still had not received all responsive records.

24. It is found that, by email dated May 8, 2024, the complainant forwarded the respondents' counsel some examples of emails that he believed should have been disclosed to him. It is found that, on May 10, 2024, counsel forwarded the complainant's May 8 email and attachments thereto to the respondents' Manager, who realized *for the first time* upon reviewing the attachments that the complainant had two additional email addresses.

25. It is found that, by email dated May 11, 2024, the respondents' Manager forwarded the following search request to LEARN:

Could you please do an email search for any emails from  
[jglenn@albertus.edu](mailto:jglenn@albertus.edu) and [joe.e.glenn.jr@gmail.com](mailto:joe.e.glenn.jr@gmail.com)?

There are some reported emails that did not come through with the search previously, even though we searched for "Joe Glenn", but I have learned that there are these 2 additional email addresses he has used. This is an all-compassing request.

I apologize for requesting a rush, but if it would be possible to get the results by the end of the day on Monday, that would be amazing (or at least ASAP). Thank you so much! (the "third search").

26. It is found that, by email dated May 13, 2024, LEARN informed the respondents' Manager that the third search was still in progress, but nonetheless provided the Manager with a link to the search results that had been compiled at that time. It is found that LEARN completed the third search on May 14, 2024, and forwarded the search results to the Manager. It is found that the Manager forwarded the results of the third search to counsel for review.

27. It is found that, on May 22, 2024, upon receipt and review of the records from counsel, the respondents' Manager sent the following request for clarification to LEARN:

...I was reviewing the emails and have a question. Is there a reason why an email might pop up for one email address and not another?

For Example:

In the file for [cambellj@newlondon.org](mailto:cambellj@newlondon.org), the email has a trail which shows that the [jglenn@albertus.edu](mailto:jglenn@albertus.edu) sent an email which included [morgans@newlondon.org](mailto:morgans@newlondon.org), [mahonb@newlondon.org](mailto:mahonb@newlondon.org), and [ortizj@newlondon.org](mailto:ortizj@newlondon.org), however, there are no files that came up on the FOIA pull for [morgans@newlondon.org](mailto:morgans@newlondon.org), [mahonb@newlondon.org](mailto:mahonb@newlondon.org), and [ortizj@newlondon.org](mailto:ortizj@newlondon.org). Is it possible that these might be missing? My apologies, this is the technical piece that I don't understand, but I'm likely going... to the FOIA commission with these requests so I would like to be able to explain if I can....

28. It is found that, by email dated May 23, 2024, LEARN responded to the Manager as follows:

...good question. Since it was the same conversation, I was trying not to include duplicates. I added files for those email addresses, I also added another "TO\_JG" file. I had to do some additional filtering (one for emails to JG and one from JG) on this since it was an external email address, the search was a bit complicated on my end to do.

29. It is found that, by email dated June 12, 2024, the respondents provided the complainant with all copies of responsive records resulting from the third search.

30. Thereafter, it is found that the respondent Superintendent of New London Public Schools (the "Superintendent") communicated with the Manager to ascertain whether all responsive records had been disclosed to the complainant. It is further found that the Superintendent informed the Manager that the complainant had contacted her about a specific email he believed was still missing. It is further found that the Superintendent informed the Manager she had that particular email in her possession. In response, it is found that the Manager requested that the Superintendent forward her the subject email. It is further found that,

on or around June 12, 2024, the Superintendent forwarded the email to the Manager, who in turn provided the email to the complainant.

31. Based on the foregoing, it is found that the respondents conducted an extremely thorough search for responsive records and provided the complainant with all such records, free of charge.<sup>2</sup>

32. Finally, with regard to whether the respondents have acted promptly in responding to the instant request, this Commission has previously opined that the word "promptly" in §1-210, G.S., means "quickly and without undue delay, taking into account all of the factors presented by a particular request . . . [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request." See FOI Commission Advisory Opinion #51 (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

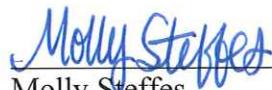
33. It is found that, as the respondents were processing the instant request, they were also processing three other requests, all of which had been received prior to the complainant's request. More importantly, it is found that the principal reason that it took the respondents until June 2024 to fully process the request in this case is because the complainant failed to provide the respondents with all of the email addresses that he wanted included in the search. In fact, it is found that it was the respondents' Manager who realized that if she broadened the search by including the two additional email addresses that the complainant used, she might be able to more fully satisfy the request. The Commission commends the Manager for her patient, careful and diligent processing of the request.

34. It is concluded that the respondents did not violate the promptness requirements of §§1-210(a) and 1-212(a), G.S., as alleged by 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 October 23, 2024.

  
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Molly Steffes  
Acting Clerk of the Commission

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<sup>2</sup> It is found that the respondents redacted student names from some of the responsive records and the complainant did not challenge such redactions.

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:

**JOE GLENN**, 40 Country Club Road, Groton, CT 06340

**SUPERINTENDENT OF SCHOOLS, NEW LONDON PUBLIC SCHOOLS; AND NEW LONDON PUBLIC SCHOOLS**, c/o Attorney Johanna G. Zelman and Attorney Elizabeth Smith, Ford & Harrison LLP, CityPlace II, 185 Asylum Street, Suite 820, Hartford, CT 06103

Molly Steffes

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Acting Clerk of the Commission