

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Joao Campos,

Complainant

against

Docket # FIC 2024-0031

Joseph Kobza, Superintendent of Schools,  
Monroe Public Schools, Town of Monroe;  
Monroe Public Schools, Town of Monroe;  
and Town of Monroe,

Respondents

January 8, 2025

The above-captioned matter was heard as a contested case on June 18, 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 January 11, 2024, and letter dated January 4, 2024, the complainant made a request for copies of the following records:
  - a. Any external communication, recordings, videos, etc[.] between any public school employee and any person(s) outside of the department of public schools pertaining to students [AS] and [ES] between November 1<sup>st</sup> 2022 to February 28<sup>th</sup> 2023; and
  - b. If any requested record no longer exists, the “destruction order.”

It is also found that the complainant clarified in his request that he was not seeking communication from himself, his children, or the mother of his children, to the public schools, or communications between the public schools and the Connecticut Department of Children and Families (“DCF”).

3. It is found that by email dated January 11, 2024, the respondents denied the complainant’s request, writing, “you have asked for a document (an email sent to the Masuk School Psychologist) that we will not provide due to its nature as information relative to child

abuse. It is our understanding that this document is exempt from disclosure under CT Gen. Statute [§]17a-101k.”

4. By complaint filed January 18, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for the records described in paragraph 2, above. The complainant also requested that the Commission impose a civil penalty against the respondents.

5. 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.

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 1-212(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.”

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

9. At the hearing, the respondents contended that they maintain one record responsive to the request described in paragraph 2, above, and that such record is exempt from disclosure pursuant to §17a-101k, G.S.

10. Immediately following the hearing in this matter, the respondents lodged with the Commission a one-page document for in camera inspection, along with an Index to Records Submitted for In Camera Inspection (“Index”). On the Index, the respondents described the record claimed exempt from disclosure, pursuant to §17a-101k, G.S., as follows: “[d]ocument is an email received by Masuk School Psychologist, Sean McDonald, requesting help for [Masuk Student] and alleging abuse by his father. Email prompted a call to DCF, which is believed to be exempt from disclosure.” Such record shall hereinafter be referred to as IC-2024-0031-001.

11. Section 17a-101k, G.S., provides, in relevant part:

- (a) The Commissioner of Children and Families shall maintain a registry of the commissioner's findings of abuse or neglect of children pursuant to section 17a-101g that conforms to the requirements of this section. The regulations adopted pursuant to subsection (i) of this section shall provide for the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children and the establishment of a hearing process for any appeal by a person of the commissioner's determination that such person is responsible for the abuse or neglect of a child pursuant to subsection (b) of section 17a-101g. The information contained in the registry and any other information relative to child abuse, wherever located, shall be confidential, subject to such statutes and regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations adopted by the commissioner under this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year. (Emphasis added.)

12. The Appellate Court has ruled that §17a-101k, G.S., falls within the “except as otherwise provided” language in §1-210, G.S., and therefore, disclosure of information contained in the registry and other information relative to child abuse, wherever located, is not governed by the FOI Act. Groton Police Dept. v. Freedom of Info. Comm’n, 104 Conn. App. 150, 165-166 (2007). The Commission has also recognized that §17a-101k, G.S., provides a broad grant of confidentiality with respect to information pertaining to allegations of child abuse. See e.g., Docket #FIC 1997-230; Pfleiderer v. Dept. of Public Health (February 11, 1998); Docket #FIC 93-213; LaPointe v. Dept. of Human Resources (June 22, 1994); and Docket #FIC 92-012 DeRosa v. Dept. of Health Services (February 26, 1992).

13. At the hearing, the respondent Superintendent of Schools appeared and testified. It is found that a third party emailed a school psychologist employed by the respondents, alleging that the complainant’s child had been subject to child abuse by the complainant. It is found that such information prompted the school psychologist to contact DCF to report the information, and an investigation ensued.

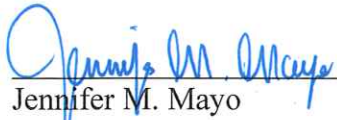
14. Based on the foregoing, it is found that IC-2024-0031-001 constitutes “information relative to child abuse, wherever located” within the meaning of §17a-101k, G.S.

15. Accordingly, it is concluded that IC-2024-0031-001 is exempt from disclosure, and therefore, the respondents did not violate the disclosure provisions of §§1-210(a) or 1-212(a), G.S., as alleged in the complaint.

16. Based on the foregoing, consideration of the imposition of a civil penalty is not warranted.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of January 8, 2025.

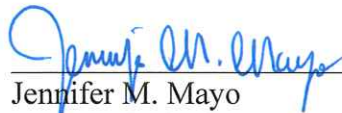
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**JOAO CAMPOS**, 404 Mariners Walk, Milford, CT 06468

**JOSEPH KOBZA, SUPERINTENDENT OF SCHOOLS, MONROE PUBLIC SCHOOLS, TOWN OF MONROE; MONROE PUBLIC SCHOOLS, TOWN OF MONROE, 375 Monroe Turnpike, Monroe, CT 06468; AND TOWN OF MONROE, 7 Fan Hill Road, Monroe, CT 06468**



Jennifer M. Mayo  
Acting Clerk of the Commission