

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Deanna Bouchard,

Complainant

against

Docket # FIC 2024-0237

Superintendent of Schools, Colchester Public  
Schools; and Colchester Public Schools,

Respondents

March 26, 2025

The above-captioned matter was heard as a contested case on November 14, 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 March 26, 2024, the complainant made a request to the respondents for access to inspect the following records: “[t]he complete cell phone directory including cell phone numbers and corresponding named employee - of ANY and ALL Colchester Public Schools<sup>1</sup>/Board of Education issued cell phones.”
3. It is found that, by email dated April 1, 2024, the Executive Assistant to the Superintendent of Schools for CPS (the “Executive Assistant”) acknowledged the complainant’s request described in paragraph 2, above, and stated that “[w]e are currently reviewing your request and will provide you with our response within a reasonable period of time ....”
4. It is found that, on April 8, 2024, the Executive Assistant again emailed the complainant stating the following:

We received your email request on Tuesday, March 26, 2024, requesting information under the Freedom of Information Act for the following information:

*1. The complete cell phone directory including cell phone numbers and corresponding named employee - of ANY and ALL [CPS]/Board of Education issued cell phones.*

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<sup>1</sup> Hereinafter Colchester Public Schools will be referred to as “CPS.”

While the district does not maintain a cell phone directory, we are working on providing the invoices as requested in another FOI. In many cases, the phones are labeled by position. The School Resource Officer's phone number is being redacted and the Superintendent's phone number is being redacted. The Superintendent has maintained the same cell phone number for over 15 years. While the phone line is paid for by [CPS], he is permitted to use the phone for both business and personal reasons. The cell phone number is not widely shared and not generally made available to the public, including the majority of staff members in the [CPS] system. Staff members and members of the public have several other means to contact the Superintendent including the office line 860-537-7267 and email [dsullivan@colchesterct.org](mailto:dsullivan@colchesterct.org).

(Emphasis in original.)

5. It is found that, by email dated April 9, 2024, the complainant responded to the Executive Assistant's email described in paragraph 4, above, stating, in relevant part: "[p]lease cite each specific exemption you feel justifies the refusal to release the public records as requested under CT FOIA. ..."

6. It is found that, by email April 19, 2024, the Executive Assistant responded to the complainant's April 9, 2024 email, described in paragraph 5, above, indicating the following:

As for your request regarding phone numbers, under the Freedom of Information Commission case law, where state employees have taken steps to maintain the privacy of their cell phone number by having an unlisted number, the disclosure of the cell phone number would invade the employee's personal privacy and the number is thus exempt from public disclosure. The Superintendent and SRO<sup>2</sup> both have unlisted cell phone numbers, and therefore, their numbers are exempt under FOIA and must be redacted accordingly.<sup>3</sup> I trust this clarifies your questions.

(Emphasis Added.)

7. By complaint filed April 29, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide all records responsive to the request described in paragraph 2, above.

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,

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<sup>2</sup> "SRO" refers to the CPS School Resource Officer.

<sup>3</sup> At the hearing on this matter, the complainant withdrew her claims regarding the respondents' failure to provide her with the CPS cell phone number assigned to the SRO. Therefore, such issue will not be further addressed herein.

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 (1) inspect such records promptly during regular office or business hours . . . (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 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.

12. At the hearing on this matter and in her brief, the complainant contended that the respondents provided her copies of Verizon invoices for CPS owned cell phones, which contain lists of the CPS employee staff positions who were issued such cell phones and their corresponding cell phone numbers (“Verizon invoices”) in response to her request described in paragraph 2, above. The complainant further claimed that the respondents violated the FOI Act by redacting from the Verizon invoices the telephone number of the CPS owned cell phone issued to and used by the Superintendent of Schools for CPS (the “Superintendent”).<sup>4</sup>

13. At the hearing on this matter and in their brief, the respondents claimed that they do not maintain any records responsive to the request described in paragraph 2, above, because they do not keep a “directory” of numbers for CPS owned cell phones. The respondents disputed the complainant’s claim regarding the Verizon invoices, claiming that they provided the complainant with such invoices in response to a separate March 26, 2024 records request by the complainant, which specifically sought invoices for all CPS owned cell phones from January 2023 forward, which request is not at issue in this matter. Finally, the respondents contended that, to the extent that the Commission determines that the Verizon invoices are responsive to the request described

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<sup>4</sup> At the hearing on this matter, when asked by the hearing officer whether promptness was an issue in this matter, the complainant stated that she is not claiming that the respondents failed to provide her with responsive records in a timely manner. In her post-hearing brief, however, the complainant claimed that the respondents failed to provide her with prompt access to public records because they improperly redacted the number of the CPS owned cell phone issued to the Superintendent. Such argument conflates the issue of promptness with the issue of whether the respondents properly withheld information pursuant to a claimed exemption to disclosure. The Commission addresses the latter issue herein, but given the complainant’s statement at the hearing, the issue of promptness will not be further addressed herein.

in paragraph 2, above, they redacted from such invoices the number of the CPS owned cell phone issued to the Superintendent because the disclosure of such number would constitute an invasion of the Superintendent's personal privacy under §1-210(b)(2), G.S.

14. The Superintendent and the Executive Assistant both appeared and testified on behalf of the respondents at the hearing on this matter.

### **Whether the Verizon Invoices Are Responsive to the Request**

15. With respect to whether the Verizon invoices are within the scope of the complainant's request, our Supreme Court has made clear that:

[a]s a practical matter, the FOIA is used repeatedly by members of the public who are unschooled in technical, legalistic language distinctions. It would be unreasonable to deny a member of the public access to the FOIA simply because of arguable imperfections in the form in which a request for public records is couched.

*Perkins v. Freedom of Info. Comm'n*, 228 Conn. 158, 167 (1993) ("*Perkins*").

16. The Supreme Court, in disagreeing with the trial court in *Perkins*, also said: "[t]he trial court ... relied on distinctions that are overly formal and legalistic in light of the public policy expressed by the FOIA. The overarching legislative policy of the FOIA is one that favors the open conduct of government and free public access to government records. ... As we have repeatedly noted, [o]ur construction of the FOIA must be guided by the policy favoring disclosure...." *Perkins* at 166-167 (quotations and citations omitted).

17. At the hearing on this matter, the Superintendent testified that the request described in paragraph 2, above, was merely seeking a "directory," and that his interpretation of the word "directory" was a document that would be shared with employees or posted on a bulletin board and, based upon that definition, the respondents do not maintain a directory of the cell phone numbers for the CPS issued cell phones. He also testified that the Verizon invoices were provided to the complainant in response to the complainant's separate March 26, 2024 request and not the request described in paragraph 2, above.

18. The Executive Assistant also testified that the respondents do not maintain a "directory" of such cell phone numbers and that the Verizon invoices were provided to the complainant in response to the complainant's separate March 26, 2024 request seeking invoices for the CPS issued cell phones and not in response to the request described in paragraph 2, above.

19. Contrary to the respondents' testimony, the complainant testified that the respondents provided the Verizon invoices in response to both her request described in paragraph 2, above, as well as the March 26, 2024 request for cell phone invoices, which she claimed is evidenced by the respondents' email described in paragraph 4, above, which specifically includes, verbatim, the request described in paragraph 2, above, and states that the cell phone numbers in the invoices are labeled by position.

20. It is found that certain of the Verizon invoices included lists of the numbers for the

CPS owned cell phones along with a description of the employee position next to each of the corresponding cell phone numbers. It is found that, for example, one such list includes the CPS cell phone number assigned to the Superintendent, the CPS cell phone number assigned to the SRO, the CPS cell phone numbers assigned to various CPS principals and assistant principals, among others.

21. With respect to the respondents claim that the complainant's request was limited to a request for a directory, "directory" has been defined as "an alphabetical or classified list (as of names and addresses)[,]" see, *Merriam-Webster*, <https://www.merriam-webster.com/dictionary/directory> (accessed February 11, 2025); "a list of telephone numbers, names, addresses, or other information[,]" see, *Cambridge Academic Content Dictionary*; and "[a] list of names, addresses etc., of specific classes of people or organizations, often in alphabetical order or in some classification[,]" see, *Wiktionary*, <https://en.wiktionary.org/wiki/directory> (accessed February 11, 2025). (Emphasis added.)

22. It is found that, although the request mentions the word "directory," it also specifically seeks numbers for CPS owned cell phones and the corresponding named employees to whom CPS issued such cell phones. It is found that the request, which must be interpreted broadly as a whole and as understood by a layman, was seeking a list of such cell phone numbers and the respective employees. It is further found that, while the lists described in paragraph 20, above, do not include the specific names of the employees, they do provide the named employee positions, from which it is possible to determine which cell phone numbers were issued to which employees.

23. It is also found that CPS maintains a website devoted to the FOI Act, which also contains a log of all records requests submitted to CPS (the "FOI Log").<sup>5</sup> It is found that the FOI Log lists the name of each requester, the date of each request, a description of each records request, the response to each request with a link to the responsive records, and the date of such response. It is found that, in response to several other requests, not at issue in this matter, the respondents indicated "[n]o responsive documents." However, it is found that, in response to the request described in paragraph 2, above, the FOI Log states "[c]lick here for responsive documents shared via email," which provides a clickable link to the Verizon invoices. See, [https://www.colchesterct.org/freedom\\_of\\_information](https://www.colchesterct.org/freedom_of_information) (accessed February 11, 2025) and <https://drive.google.com/drive/folders/1bY3kWyCGRzdnCiWHyh7C3FHmwfGHAcp> (accessed February 11, 2025).

24. Based upon not only the complainant's testimony, but the respondents' email described in paragraph 4, above, and the FOI Log, it is found that the respondents provided the Verizon invoices described in paragraph 20, above, in response to the request described in paragraph 2 above.

25. Based upon the foregoing, it is found that the Verizon invoices were responsive to the complainant's request described in paragraph 2, above.

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<sup>5</sup> The Commission takes administrative notice of the FOI Log and the electronic link provided in response to the complainant's request described in paragraph 2, above, which when clicked pulls up the Verizon invoices. See, [https://www.colchesterct.org/freedom\\_of\\_information](https://www.colchesterct.org/freedom_of_information) (accessed February 11, 2025) and <https://drive.google.com/drive/folders/1bY3kWyCGRzdnCiWHyh7C3FHmwfGHAcp> (accessed February 11, 2025).

**Redaction of the CPS Owned Cell Phone Number Issued to the Superintendent**

26. At the hearing on this matter, the respondents contended that disclosing the telephone number for the CPS owned cell phone issued to the Superintendent would constitute an invasion of his personal privacy pursuant to §1-210(b)(2), G.S.

27. Section 1-210(b)(2), G.S., provides that disclosure is not required of “[p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy....”

28. The Supreme Court set forth the test for the exemption contained in §1-210(b)(2), G.S., in *Perkins, supra*. Specifically, under the *Perkins* test, the claimant must first establish that the files in question are personnel, medical or similar files. Second, the claimant must show that disclosure of the records would constitute an invasion of personal privacy. In determining whether disclosure would constitute an invasion of personal privacy, the claimant must establish both of two elements: first, that the information sought does not pertain to legitimate matters of public concern, and second, that disclosure of such information is highly offensive to a reasonable person.

29. In their brief, the respondents contended that a public employee’s cell phone number is information that is contained within a personnel file, and therefore the Superintendent’s cell phone number constitutes a “similar file” under §1-210(b)(2), G.S., citing *Director, Retirement and Benefits Division, Office of the Comptroller v. Freedom of Info. Comm’n*, 256 Conn. 764, 773 (2001) (“*Office of the Comptroller*”). However, the respondents ignore the fact that the number at issue in this case is for a cell phone owned by CPS (not the Superintendent) and purchased with public funds; whereas, *Office of the Comptroller* involved private, home addresses of public employees.

30. It is found that such cell phone number is not a “personnel, medical [or] similar files,” under §1-210(b)(2), G.S. See, e.g., *Joe Wojtas and the New London Day v. Information Technology Director, Town of Stonington, et al.*, Docket #FIC 2014-309 (April 22, 2015) (finding that redacted cell phone numbers contained within text messages, emails and cell phone calls sent or received on First Selectman’s town-issued Blackberry were not personnel, medical or similar files within the meaning of §1-210(b)(2), G.S.).

31. However, even assuming a number for a cell phone owned by and paid for by CPS could be a “personnel, medical [or] similar files,” it is found that the respondents failed to prove both prongs of the *Perkins* invasion of personal privacy test.

32. At the hearing on this matter and in their brief, the respondents contended that because the Superintendent took steps to try to limit the disclosure of the number for the CPS owned cell phone that he used, such cell phone number is not a legitimate matter of public concern, again relying on *Office of the Comptroller*.

33. The Superintendent testified, and it is found, that he decided to transfer, to his CPS owned cell phone, the same cell phone number he had used for his personal cell phone for the prior 15 or so years, instead of opting to using a newly generated cell phone number for his CPS owned phone and keeping his own personal cell phone, because he was permitted to use the CPS

owned cell phone for both business and personal purposes. The Superintendent further testified, and it is found, that the CPS owned cell phone he used was the only phone that he used for his personal use. He also testified, and it is found, that the number assigned to his CPS owned cell phone is not widely shared and not generally made available to the public.

34. It is found that disclosures relating to the employees of public agencies are presumptively legitimate matters of public concern. *Perkins*, at 174. “[W]hen a person accepts public employment, he or she becomes a servant of and accountable to the public. As a result, that person’s reasonable expectation of privacy is diminished....” *Perkins*, at 177.

35. It is found that the Superintendent chose to transfer his prior personal cell phone number to government-owned and issued equipment and to use such government-owned equipment for his personal use, because using two separate cell phones would be inconvenient; a decision the Superintendent voluntarily chose to make, even though he would be using government-owned and issued equipment.

36. The respondents’ reliance on *Office of the Comptroller*, again, is entirely misplaced because it concerned employees’ private home addresses. Here, the respondents are attempting to prevent disclosure of a cell phone number for government-owned and issued equipment.

37. In *Daniel Schwartz v. Rachel Krinsky Rudnick, Assistant Director of Compliance/Privacy, State of Connecticut, University of Connecticut*, Docket #FIC 2009-2010 (March 10, 2010), the Commission concluded that when redacted phone numbers reflected the fact that a public employee used government-owned or issued equipment for personal reasons, the phone numbers were related to the conduct of the public’s business within the meaning of §1-200(5), G.S. It is found that, in this matter, the Superintendent used the CPS owned cell phone for personal and government purposes.

38. Accordingly, it is found that the number for the CPS owned cell phone issued to the Superintendent is not the Superintendent’s private cell phone number; rather it relates to the conduct of the public’s business and is a matter of public concern within the meaning of §1-210(b)(2), G.S.

39. With respect to whether the disclosure of the number for the CPS owned cell phone issued to the Superintendent would be highly offensive to a reasonable person, the Superintendent testified, and it is found, that he treated the CPS owned cell phone number like “a home phone number.” However, it is found that such cell phone was not, in fact, his personal cell phone or a home phone number; rather such cell phone is CPS owned and issued equipment and utilized by him for government purposes.

40. In their brief, the respondents contend that disclosing the number for the CPS owned cell phone issued to the Superintendent might implicate safety concerns, relying again on *Office of the Comptroller*. However, it is found that such information does not relate to the Superintendent’s private home address, as in *Office of the Comptroller*. Moreover, it is found that the respondents’ alleged safety concerns are unsupported by the hearing testimony. Rather, the Administrative Record shows that the Superintendent was mainly concerned about convenience and potential annoyances.



41. It is found that the disclosure of the cell phone number for the CPS owned equipment issued to the Superintendent would not be highly offensive to a reasonable person.

42. It is found that the disclosure of such cell phone number would not constitute an invasion of privacy pursuant to §1-210(b)(2), G.S.

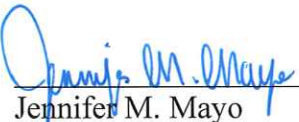
43. It is concluded therefore that the respondents violated the FOI Act by redacting the number for the CPS owned cell phone issued to the Superintendent when they provided the complainant with the Verizon invoices responsive to her request.

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

1. The respondents shall forthwith provide the complainant, free of charge, with copies of the Verizon invoices identified in paragraphs 12 and 20, of the findings, above, with the number for the CPS owned cell phone issued to the Superintendent unredacted.

2. Henceforth, the respondents shall strictly comply with the disclosure provisions 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 26, 2025.

  
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Jennifer M. Mayo  
Acting Clerk of the Commission

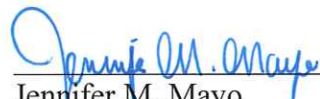


PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**DEANNA BOUCHARD**, 16 Meadow Drive #3, Colchester, CT 06415

**SUPERINTENDENT OF SCHOOLS, COLCHESTER PUBLIC SCHOOLS; AND COLCHESTER PUBLIC SCHOOLS**, c/o Attorney Rebecca R. Santiago and Attorney Julie Reznik, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103-1919



Jennifer M. Mayo  
Acting Clerk of the Commission