

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Daniel Wehking,

Complainant

against

Docket # FIC 2025-0265

Superintendent of Schools, Ridgefield
Public Schools; Chairperson, Board of
Education, Ridgefield Public Schools; Board
of Education, Ridgefield Public Schools;
and Ridgefield Public Schools,

Respondents

April 8, 2026

The above-captioned matter was heard as a contested case on October 23, 2025, and January 27, 2026, at which times, the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

On February 12, 2026, the complainant requested to submit an after-filed exhibit. Absent objection from the respondents, on February 18, 2026, the hearing officer notified the parties that such after-filed exhibit had been admitted into evidence as follows: Complainant's Exhibit D (after-filed); Agenda of the February 24, 2025, meeting of the Board of Education of the Ridgefield Public Schools.

On February 26, 2025, the complainant requested to submit four after-filed exhibits consisting of emails. Likewise, on March 3, 2026, the respondents requested to admit an after-filed exhibit consisting of a letter from the First Selectman for the Town of Ridgefield. Each request was denied by the hearing officer via notice of ruling dated March 30, 2026.

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 28, 2025, the complainant requested that the respondents provide him with copies of "all documents, including any emails, regarding firearms in any RPS [Ridgefield Public Schools] school, the hiring of security guards, policies regarding security guards, and policies regarding firearms, including any documents regarding decision making on these topics, from February 1, 2023 to the present."

3. It is found that, by email dated April 4, 2025, the respondent Superintendent replied, stating, in relevant part, that:

In accordance with Conn. Gen. Stat. §1-210(b)(19), we will not be providing the information you requested. In the spirit of partnership, please know that it is in the interest of the safety of our students that we keep this information confidential.

4. It is further found that, by email dated April 4, 2025, the complainant replied:

Just tell me if anyone in the building besides RPD [Ridgefield Police Department] is armed and we won't have to litigate this. That send [*sic*] to be in the spirit of cooperation.

5. It is found that, by email dated April 7, 2025, the respondent Superintendent replied, stating that the Ridgefield Public Schools do not discuss security matters publicly because of the potential risk to the community. It is found, however, that the respondent Superintendent offered to discuss the matter further with the complainant.

6. It is found that, on April 8, 2025, the complainant and respondent Superintendent spoke by telephone and discussed the complainant's request and concerns about school security.

7. It is found that, following the April 8, 2025, discussion, the complainant became concerned that during a February 24, 2025, meeting, the respondent Board of Education convened in Executive Session for a purpose not permitted under the Freedom of Information ("FOI") Act.

8. By complaint filed on April 17, 2025, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act by:

- (a) Convening in Executive Session on February 24, 2025, for a purpose not permitted under the FOI Act. Specifically, the complainant alleged in his complaint that "discussions regarding things [he] requested were illegally discussed in a portion of the School Board Meeting held in private with no access to the public on February 24, 2025, ... The minutes ... show board member Jonathan Paradiso calling for an executive session to discuss "School Security", the rest of the board approving the executive session, and eight school board employees as well as two non-employees joining the session ... [T]he Board of Education takes an unsupported a[nd] heretofore unheard of broad view of what constitutes "security"¹; and

¹ In his complaint, the complainant also expressed concern that a future executive session scheduled to occur on April 28, 2025, would similarly violate the FOI Act. However, as of the filing of the complaint in this matter, such meeting had not yet occurred. Therefore, the Commission lacks jurisdiction to consider such claim herein.

- (b) Denying his request for the records described in paragraph 2, above.

9. At the hearings on this matter, the hearing officer notified the parties that she believed that the complainant's allegation, described in paragraph 8(a), above, regarding an impermissible executive session, was time-barred. In response, the complainant argued that his complaint with respect to such alleged violation was timely because he did not receive notice until he spoke with the respondent Superintendent on April 8, 2025. The respondents disputed the complainant's contention.

10. Section 1-206(b)(1), G.S., provides, in relevant part, that:

Any person ... wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. *A notice of appeal shall be filed not later than thirty days after such denial*, except in the case of an unnoticed or secret meeting, in which case the appeal shall be filed not later than thirty days after the person filing the appeal receives actual or constructive notice that such meeting was held.

(Emphasis added.)

11. At the hearings on this matter, the parties stipulated, and therefore it is found, that the February 24, 2025, regular meeting of the respondent Board of Education was not an unnoticed or secret meeting, as such term is used in §1-206(b)(1), G.S. It is also found that the agenda to the February 24, 2025, meeting of the respondent Board of Education includes the following agenda item: "Convene in Executive Session for the Purpose of Discussing Security."

12. Therefore, §1-206(b)(1), G.S., required the complainant to file his notice of appeal within thirty days of the February 24, 2025, meeting and executive session. It is found, however, that the complainant did not file his complaint with the Commission until April 17, 2025, well beyond thirty days of the February 24, 2025, meeting.

13. It is therefore concluded that the Commission is without jurisdiction to consider the complainant's alleged violation of the FOI Act, described in paragraph 8(a), above.

14. With respect to the allegation that the respondents violated the FOI Act by denying the complainant's request for the records described in paragraph 2, above, §1-200(5), G.S., provides that:

"[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.

15. 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.

16. 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.”

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

18. It is found that, in the days preceding the March 28, 2025, request at issue in this matter, Hearst Media ran an article regarding school security and therein mentioned Ridgefield Public Schools.

19. It is found that, as a result of the initial reporting, by email dated March 25, 2025, the complainant contacted the respondent Superintendent and the respondents’ Director of Safety and Security, and requested that someone confirm whether the school district has “non-police armed security guards” and, if so, “at what schools and whether or not they participate in student discipline[.]”

20. It is found that, by email dated March 28, 2025, the respondents’ Director of Safety and Security replied, stating “[f]or the safety and security of our students and staff we do not discuss specific details or comment on matters of school security. The article you referenced does not represent our district’s model.” It is found that the respondent Superintendent also stated that the article had since been amended to remove the Ridgefield Public Schools.

21. It is also found that, in response, the complainant stated his belief that parents have the right to know how many guns are in “our schools,” who is carrying them, and requested that they advise him whether anyone in the Ridgefield Public Schools, besides police officers, “carry a weapon.” It is found that the complainant also disputed the extent to which the Hearst Media article had been amended.

22. It is found that approximately one hour later, the complainant made the request for the records described in paragraph 2, above, and the subsequent exchange described in paragraphs 3 through 5, above, ensued.

23. As already found in paragraph 6, above, the complainant and respondent Superintendent communicated by telephone. It is found that, based on those discussions, the

respondent Superintendent believed that the complainant specifically wanted to know whether individuals within the Ridgefield Public Schools, other than police officers, carried a firearm. It is found, however, that the respondent Superintendent concluded that the respondents did not maintain any records responsive to that particular question. It is also found that the respondent Superintendent believed that her discussions with the complainant had resolved his concerns, and thereafter she concluded that no further response to the request described in paragraph 2, above, was necessary.

24. It is found, however, that on or about June 3, 2025, the respondents received notice from the Commission of the complaint that had been filed in this matter.

25. It is found that, by email dated June 16, 2025, the respondent Superintendent provided the complainant with a copy of a Memorandum of Understanding (“MOU”) between the Ridgefield Police Department and respondent Board of Education regarding the School Resource Officer Program.²

26. It is found that, by email dated October 21, 2025, just two days prior to the first hearing on this matter, the respondents, through counsel, provided the complainant with copies of records responsive to the request described in paragraph 2, above. It is found that such records consisted of email communications and a policy document regarding the possession of deadly weapons or firearms. It is further found that such email states that information was “redacted/removed” due to “student confidentiality law” or the “attorney-client privilege.”

27. Following the first hearing on this matter, the hearing officer ordered the respondents to submit to the Commission a copy of the records, or portions thereof, claimed exempt from disclosure in this matter for in camera inspection.

28. On January 27, 2026, the respondents submitted the withheld records, or portions thereof, for in camera inspection, along with an Index to Records Submitted for In Camera Inspection (“Index”). Such records shall hereinafter be identified as IC-2025-0265-1 through IC 2025-0265-18, or the “in camera records.” On the Index, the respondents contended that such records are exempt from disclosure pursuant to §§1-210(b)(10), 1-210(b)(17)³, or 1-210(b)(19), G.S.

Section 1-210(b)(10), G.S.

29. The respondents contended that the following in camera records, or portions thereof, are exempt from disclosure pursuant to the attorney-client privilege, as set forth in §1-

² The Commission notes that the parties dispute whether such record was provided to the complainant in response to the March 28, 2025, request at issue in this matter. The MOU reflects that it was “made and entered into by” the parties effective February 24, 2020. In addition, the MOU was executed in April 2022. Such MOU is relevant to the matters of school security and is arguably responsive to the request at issue in this matter.

³ At the hearings and in his post-hearing brief, the complainant did not object to the respondents withholding information claimed exempt pursuant to §1-210(b)(17), G.S., (providing that nothing in the FOI Act requires the disclosure of education records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g; revised to January 3, 2012 (“FERPA”)). Consequently, the Commission will not consider such claim of exemption with respect to any redactions made herein.

210(b)(10), G.S.: IC-2025-0265-5 lines 9-10; IC-2025-0265-6 lines 5, 8-9, and 13; IC-2025-0265-8 through IC-2025-0265-10; and IC-2025-0265-11 through IC-2025-0265-18.

30. Section 1-210(b)(10), G.S., permits an agency to withhold from disclosure records of “communications privileged by the attorney-client relationship.”

31. Section 52-146r(b), G.S., provides that “[i]n any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a government attorney shall not disclose any such communications unless an authorized representative of the public agency consents to waive the privilege and allow disclosure.”

32. Section 52-146r(a)(2), G.S., defines “confidential communications” to mean:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice.

33. In *Maxwell v. Freedom of Info. Comm’n*, 260 Conn. 143, 149 (2002), the Connecticut Supreme Court held that §52-146r, G.S., “merely codif[ies] the common law attorney-client privilege as this court previously defined it.” The Court further stated that “both the common-law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client and relate to legal advice sought by the agency from the attorney.” *Id.*

34. The Supreme Court has adopted a four part test to determine whether communications are subject to the attorney-client privilege: “(1) the attorney must be acting in a professional capacity for the agency; (2) the communications must be made to the attorney by current employees or officials of the agency; (3) the communications must relate to the legal advice sought by the agency from the attorney; and (4) the communications must be made in confidence.” *Shew v. Freedom of Info. Comm’n*, 245 Conn. 149, 159 (1998).

35. In Connecticut, the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice....The privilege fosters full and frank communications between attorneys and their clients and thereby promote[s] the broader public interests in the observation of law and [the] administration of justice.” *PSE Consulting, Inc. v. Frank Mercede & Sons, Inc.*, 267 Conn. 279, 329–30 (2004).

36. Generally, “once a privileged communication has been purposely disclosed to a third party, the attorney-client privilege is waived, unless the disclosed material falls under the common interest rule.” *Raymond Rd. Assocs., LLC v. Taubman Centers, Inc.*, No. X02UWYCV075007877S, 2009 WL 4069251, at *8 (Conn. Super. Ct. Oct. 30, 2009) (“*Raymond Rd. Assocs.*”), citing *United States v. United Techs Corp.*, 979 F.Supp. 108, 111 (D.Conn. 1997). In *Raymond Rd. Assocs.*, Judge Eveleigh discussed the doctrine as follows:

The common legal interest rule was intended to protect the free flow of information from client to attorney ... whenever multiple clients share a common interest about a legal matter ... This rule requires that the communication in question was given in confidence and that the client reasonably understood it to be so given ... The parties claiming protection under the rule must share a common interest about a legal matter, but it is ... unnecessary that there be actual litigation in progress ... Third parties receiving copies of the communication and claiming a community of interest may be distinct legal entities from the client receiving the legal advice and may be a non-party to any anticipated or pending litigation.

Hubbell v. Ratcliffe, No. HHD04CV08403824S, 2010 WL 4885631, at *7 (Conn. Super. Ct. Nov. 8, 2010) (citing *Raymond Rd. Assocs.*, 2009 WL at *8).

37. More recently, the court in *BBSR, LLC v. Anheuser-Busch, LLC*, No. X03-CV-22-6166055-S, 2024 WL 4948383, at *2 (Conn. Super. Ct. Nov. 26, 2024) (“*BBSR*”) explained the doctrine under a Restatement⁴ approach:

[T]he common-interest doctrine applies when (1) two or more parties, (2) represented by separate lawyers, (3) have a common legal interest (4) in a litigated or nonlitigated matter, (5) the parties agree to exchange information concerning the matter, and (6) they make an otherwise privileged communication in furtherance of formulating a joint legal strategy.

38. The *BBSR* court also summarized the Second Circuit’s approach:

[T]he protection afforded by the attorney-client privilege is “not waived by disclosure of communications to a party that is engaged in a ‘common legal enterprise’ with the holder of the privilege.” ... The doctrine preserves “[t]he need to protect the free flow of information from client to attorney logically exists whenever multiple clients share a common interest about a legal matter”... A common legal enterprise may be proven by showing “some agreement, whether formal or informal, written or unwritten, to pursue a joint legal defense” The party claiming the common

⁴ Restatement (Third) of the Law Governing Lawyers § 76 (2000).

interest doctrine must “establish the existence of an ongoing common enterprise, the existence of communications made in the course of that enterprise, and that those communications were made to further the enterprise.”

BBSR, 2024 WL at *2. According to the court in *BBSR*, “most courts, including those that follow the Restatement, restrict the application of the doctrine to common ‘legal’ interests, although the respective interests need not be identical.” *Id.* at *3.

39. A party relying on the common legal interest doctrine to shield communications from disclosure has the burden of establishing all of the elements of the attorney-client privilege, as well as the burden of establishing that a common legal interest exists between the entities who are raising the protection. *Id.*

40. Our courts have recognized that, in instances where the applicability of an exemption is clear from the face of the record in question, extrinsic evidence is not required to prove such exemption. *See, e.g., Lash v. Freedom of Info. Comm’n*, 300 Conn. 511, 515-16 (2011).

41. With respect to IC-2025-0265-8 through IC-2025-0265-10, and IC-2025-0265-11 through IC-2025-0265-18, it is found that such portions of the in camera records constitute memoranda by an attorney with the law firm of Shipman & Goodwin LLP, which law firm serves as legal counsel to the respondents.

42. It is also found that such memoranda were provided to the respondents in response to legal questions posed by the respondents to their attorneys. It is found that such questions are set forth in the memoranda, along with the counsel’s consideration of law, application of such law to factual matters, and recommendations to the client. Accordingly, it is found that IC-2025-0265-8 through IC-2025-0265-10, and IC-2025-0265-11 through IC-2025-0265-18 constitute communications made by an attorney acting in a professional capacity for the agency, to current employees or officials of the agency, and that such communications relate to the legal advice sought by the agency from the attorney.

43. With respect to the requirement that the communications set forth in IC-2025-0265-8 through IC-2025-0265-10 and IC-2025-0265-11 through IC-2025-0265-18 be “made in confidence,” it is found that such records are marked “attorney-client privileged communication” and “not for redistribution.” It is found that there is no evidence in the record that the memorandum at IC-2025-0265-8 through IC-2025-0265-10 was distributed to anyone other than the respondents. It is also found that when IC-2025-0265-11 through IC-2025-0265-18 was distributed to the respondents, they were reminded that such memorandum was privileged, for consideration during the upcoming February 24, 2025, executive session (described in paragraph 11, above), and that such records should not be further distributed.

44. Based on the foregoing, and a careful in camera inspection, it is found that the communications in IC-2025-0265-8 through IC-2025-0265-10 were made in confidence.

45. However, with respect to the memorandum set forth in IC-2025-0265-11 through IC-2025-0265-18, it is found that, prior to the February 24, 2025, executive session, the respondents

shared IC-2025-0265-11 through IC-2025-0265-18 with the Chief of Police for the Ridgefield Police Department. It is also found that the respondent Board of Education invited the Chief of Police into the executive session, as well as a Ridgefield Police Department Police Major, to provide their input relevant to the matters of school security, as set forth in IC-2025-0265-11 through IC-2025-0265-18.

46. At the hearings on this matter, and in a post-hearing brief, the complainant contended that, in sharing IC-2025-0265-11 through IC-2025-0265-18, the respondents waived the attorney-client privilege. However, such argument is unavailing.

47. Based on a careful in camera inspection, it is found that IC-2025-0265-11 through IC-2025-0265-18 was shared by the respondents with the Chief of Police and Police Major of the Ridgefield Police Department in the course of an ongoing common interest regarding a legal matter, and sharing such records was in furtherance of such common legal interest.

48. Based on all of the foregoing, it is found that the communications set forth in IC-2025-0265-11 through IC-2025-0265-18 were made in confidence, and that the attorney-client privilege was not waived when the respondents shared IC-2025-0265-11 through IC-2025-0265-18 with the Chief of Police and Police Major.

49. It is therefore concluded that IC-2025-0265-8 through IC-2025-0265-10 and IC-2025-0265-11 through IC-2025-0265-18 are exempt from disclosure pursuant to the attorney-client privilege, and that the respondents did not violate the disclosure provisions of the FOI Act when they denied the complainant's request for such records.

50. It is also found that the following portions of the in camera records constitute communications made by an attorney acting in a professional capacity for the agency, to current employees or officials of the agency, that such communications relate to the legal advice sought by the agency from the attorney, and they were made in confidence: IC-2025-0265-5 line 9 (final word of highlighted portion only); IC-2025 0265-5 line 10 (first word of highlighted portion only); IC-2025-0265-6 line 5 (third and fourth words of highlighted portion only); IC-2025-0265-6 line 8 (final word of highlighted portion only); IC-2025-0265-6 line 9 (first word of highlighted portion only); and IC-2025-0265-6 line 13 (third and fourth word of highlighted portion only).

51. Accordingly, it is concluded that such portions of the in camera records are exempt from disclosure pursuant to the attorney-client privilege, and the respondents did not violate the disclosure provisions of the FOI Act when they denied the complainant's request for such records.

52. However, with respect to the remaining highlighted portions of IC-2025-0265-5 line 9 (first four words only); IC-2025 0265-5 line 10 (after the first word); IC-2025-0265-6 line 5 (first two words only); IC-2025-0265-6 line 8 (first four words only); IC-2025-0265-6 line 9 (after the first word); and IC-2025-0265-6 line 13 (first two words only), it is found that such portions of the in camera records do not reveal the legal advice sought by the respondents from their attorney. It is therefore found that such portions do not "relate to the legal advice sought" and therefore are not exempt from disclosure pursuant to the attorney-client privilege, as set forth

in §1-210(b)(10), G.S.

53. It is therefore concluded that the respondents violated the disclosure provisions of the FOI Act when they declined to provide such portions of the in camera records to the complainant.

Section 1-210(b)(19), G.S.

54. Next, the respondents contended that IC-2025-0265-7 lines 14-19 are exempt from disclosure pursuant to §1-210(b)(19), G.S., or more specifically, §1-210(b)(19)(vii), G.S.

55. Section 1-210(b)(19), G.S., provides, in relevant part, that the FOI Act shall not require disclosure of:

[r]ecords when there are reasonable grounds to believe disclosure may result in a safety risk, including a risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility... *Such reasonable grounds shall be determined (A) ... (ii) by the Commissioner of Emergency Services and Public Protection, after consultation with the chief executive officer of a municipal, district or regional agency, with respect to records concerning such agency ...* Such records include, but are not limited to:

...

(vii) Logs or other documents that contain information on the movement or assignment of security personnel

(Emphasis added.)

56. Section 1-210(d), G.S., provides, in relevant part:

[w]henever a public agency ... receives a request from any person for disclosure of any records described in subdivision (19) of subsection (b) of this section under the [FOI] Act, the public agency shall *promptly* notify ... the Commissioner of Emergency Services and Public Protection ... of such request, in the manner prescribed by such commissioner, before complying with the request as required by the [FOI] Act. *If the commissioner, after consultation with the chief executive officer of the applicable agency, believes the requested record is exempt from disclosure pursuant to subdivision (19) of subsection (b) of this section, the commissioner may direct the agency to withhold such record from such person....*

(Emphasis added.)

57. Thus, the safety determination in this matter must be made by the Commissioner, in consultation with the chief executive officer of the agency. *People for the Ethical Treatment of Animals, Inc. v. Freedom of Info. Comm'n*, 321 Conn. 805, 820 n. 12 (2016) (citing *Pictometry International Corp. v. Freedom of Info. Comm'n*, 307 Conn. 648, 666 (2013)).

58. It is found, notwithstanding the respondents' contention that IC-2025-0265-7 lines 14-19 are exempt from disclosure pursuant to §1-210(b)(19), G.S., or more specifically, §1-210(b)(19)(vii), G.S., at no time relevant to the matters at issue herein did the respondents pursue a safety determination from the Commissioner of the Department of Emergency Services and Public Protection, as required by §1-210(b)(19), G.S.

59. It is therefore found that the respondents failed to establish that IC-2025-0265-7 lines 14-19 are exempt from disclosure pursuant to §1-210(b)(19), G.S., or more specifically, §1-210(b)(19)(vii), G.S.

60. It is therefore concluded that the respondents violated the disclosure provisions of the FOI Act with respect to IC-2025-0265-7 lines 14-19.

Promptness

61. With respect to the contention that the respondents did not comply with the promptness requirements of the FOI Act when they provided the complainant with copies of records on October 21, 2025, the Commission has held that the meaning of the word "promptly" is a particularly fact-based question, and has 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.

62. As the court recognized in *Comm'r of Dep't of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n*, No. HHBCV186047741, 2020 WL 5540637, at *6 (Conn. Super. Ct. July 2, 2020), a public agency should consider its obligations under the FOI Act as a "primary duty" of that agency, "on par with the [agency's] other significant duties, or said another way, that the agency's FOIA duty is not a second class duty."

63. It is found that, at the time of the April 4, 2025 email to the complainant, wherein the respondent Superintendent asserted that the requested records would not be provided because of §1-210(b)(19), G.S., the respondents had not undertaken any search to identify records that were responsive to the request, or to review such records for a claim of exemption. It is found that, at such time, the respondent Superintendent erroneously believed that the respondents did not

maintain any records that were responsive to the request and subject to the disclosure requirements of the FOI Act. However, as already found in paragraph 26, above, once the respondents conducted a search, responsive records were indeed located and thereafter provided to the complainant.

64. As already found in paragraph 6, above, the complainant and respondent Superintendent discussed the complainant's request and his concerns regarding school security on April 8, 2025. At the hearings on this matter, the respondent Superintendent testified, and it is found, that based on her communications with the complainant, she believed he wanted information regarding who within the Ridgefield Public Schools, with the exception of the Ridgefield Police Department, carried a firearm. It is found that the respondents do not maintain a record responsive to such request. It is further found that, following such discussion with the complainant, the respondent Superintendent also erroneously concluded that the complainant's concerns, as well as his request for the records described in paragraph 2, above, had been satisfied and no further action needed to be taken by the respondents.

65. It is found, however, that on or about June 3, 2025, the respondents received notice from this Commission that the complainant had filed a complaint on this matter. It is found that due to end-of-school year activities, the respondents did not conduct a search for responsive records during the month of June 2025. It is found that the respondents' witness testified that June is one of the busiest times of year for the school district, that the respondents' "regular operations" come first during such time, and that requests for records then typically "enter the queue with many other things in our school district."

66. While the Commission appreciates that June may be a particularly busy time of year for any public school district, compliance with the FOI Act is a "primary duty" that is "on par with the [agency's] other significant duties." Furthermore, the respondents did not explain the particular agency business that took precedence over compliance with the request described in paragraph 2, above, the time constraints under which the agency was required to complete other pressing work, or the importance to the public of completing other agency business without loss of personnel time involved in complying with such request.

67. It is found, based on the testimony of the respondent Superintendent, that at some time during the summer months, and after discussing the complaint in this matter with the respondents' attorney, IT staff were instructed to commence a search for records.

68. It is found, however, that during July 2025, the respondents experienced a cyber-attack that interfered with their day-to-day operations. It is found that the impact of such cyber-attack continued through the month of August 2025. It is also found, according to the respondent Superintendent, that such systems were "mostly" up and running for the first day of school, which occurred on or about August 28, 2025.

69. It is found that, at some time thereafter, IT conducted its search. It is found that the respondent Superintendent characterized the result of such search as "large" and indicated that at one point over 40,000 pages of records were identified as potentially responsive, based upon the search query that she requested. It is found, however, that the respondents undertook efforts to further refine the IT searches that were conducted.

70. It is found that the respondents did not present evidence of the amount of personnel time necessary to comply with the request, beyond indicating during testimony that it may have taken IT professionals a few days to search and compile responsive records. It is further found that the respondents witness could not answer questions regarding when she instructed IT to commence a search, when a search for records commenced, when said searches were complete, or the time necessary to conduct a review of such records.

71. As already explained in paragraph 26, above, on October 21, 2025, just two days prior to the October 23, 2025, hearing on this matter, and after six months from the date of the request, the respondents provided the complainant with a copy of the responsive records. It is found that such production of records was small, consisting of approximately two dozen pages of responsive records.

72. Based on all of the foregoing, it is found that the respondents failed to prove that they provided the complainant with copies of the responsive records “promptly” within the meaning of §§1-210(a) and 1-212(a), G.S.

73. Accordingly, it is concluded that the respondents violated the promptness provisions of the FOI Act.⁵

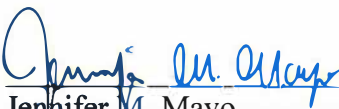
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Within 30 days of the date of the Notice of Final Decision in this matter, the respondents shall provide unredacted copies of IC-2025-0265-7 lines 14-19, to the complainant, free of charge.

2. Within 30 days of the date of the Notice of Final Decision in this matter, the respondents shall provide to the complainant unredacted copies of IC-2025-0265-5 line 9 (first four words only); IC-2025 0265-5 line 10 (after the first word); IC-2025-0265-6 line 5 (first two words only); IC-2025-0265-6 line 8 (first four words only); IC-2025-0265-6 line 9 (after the first word); and IC-2025-0265-6 line 13 (first two words only), free of charge.

3. Henceforth, the respondents shall strictly comply with the promptness and 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 April 8, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

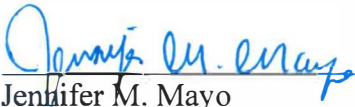
⁵ In his post-hearing brief, the complainant requested that the Commission consider the imposition of a civil penalty. The Commission declines, in its discretion, to consider the imposition of a civil penalty in this matter.

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:

DANIEL WEHKING, 24 Wooster Heights Drive, Ridgefield, CT 06877

**SUPERINTENDENT OF SCHOOLS, RIDGEFIELD PUBLIC SCHOOLS;
CHAIRPERSON, BOARD OF EDUCATION, RIDGEFIELD PUBLIC SCHOOLS;
BOARD OF EDUCATION, RIDGEFIELD PUBLIC SCHOOLS; AND RIDGEFIELD
PUBLIC SCHOOLS**, c/o Attorney Rebecca R. Santiago and Attorney Joseph Miller, Shipman
& Goodwin LLP, One Constitution Plaza, Hartford, CT 06103-1919



Jennifer M. Mayo
Acting Clerk of the Commission