

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Sanjay Gupta,

Complainant

against

Docket #FIC 2025-0490

Superintendent of Schools, West Hartford Public  
Schools; and West Hartford Public Schools,

Respondents

June 10, 2026

The above-captioned matter was heard as a contested case on November 17, 2025, at which time the complainant and 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 June 11, 2025, the complainant requested the following records from the Superintendent of Schools, West Hartford Public Schools:

(a) Telecommunication Records – call-detail metadata for Paul Vicinus and Melissa Caballero (desk phone, district-issued mobile device, and any BYOD<sup>1</sup> used for work). Date/time, originating/destination numbers, call duration, and any SMS/MMS preview string captured by the logging system for the following time periods:

- April 29, 2025: 3:00 p.m. to 6:00 p.m.
- April 30, 2025: 8:00 a.m. to 5:00 p.m.
- May 1, 2025: 8:00 a.m. to 5:00 p.m.
- May 2, 2025: 8:00 a.m. to 12:00 p.m.
- After-hours window: 6:00 p.m. to 8:00 a.m. for each day between April 29, 2025 and May 2, 2025.

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<sup>1</sup> The Commission notes that BYOD is an acronym for Bring Your Own Device.

- (b) Website Revision History – complete CMS audit log and version history for PageID 1128, element fsEL\_43404, covering May 25 to June 10, 2025. This includes timestamps, editor IDs, before/after content, and edits to all associated agendas, attachments or metadata.
- (c) Calendar Records – All calendar events, Microsoft Teams invites, and Google/Outlook meeting records for Paul Vicinus and Melissa Caballero from April 30, 2025 (8:30 a.m.) through May 2, 2025 (8:00 a.m.).
  - Search Parameters: records where the subject line, body/description or invitee list includes “Jones”, “SDE”, “dueprocess”, “gupta”, “theodore”, or “OCR”.
- (d) Targeted Activity Records (April 29, 2025)
  - Specific Time Window: 4:30 p.m. to 4:40 p.m. EDT.
  - Records requested for Paul Vicinus: all calendar entries, communication logs (as defined in Part A) and instant messages (Google Workspace, Microsoft Teams, or other platforms) active, sent or received during this 10-minute period.
- (e) Document Provenance Records (June 2 Agenda Minutes) related to the June 2, 2025 Board of Education agenda:
  1. Native File: a copy of the minutes document in its original, native file format (e.g., .docx) as it existed prior to PDF conversion.
  2. Email transmittal records: the email (including all headers and attachments) by which the final or draft version of this minutes document was transmitted by the clerk (Carolyn Perkins).
  3. CMS Upload Logs: the system log entry for upload of this documents to the WHPS website, including the timestamp, user ID, and source IP address of the upload.

3. It is found that, by email dated June 16, 2025, the respondents acknowledged the complainant’s request, on behalf of West Hartford Public Schools (“WHPS”), and advised the complainant that “[y]our request was forwarded to the WHPS [Information Technology] Department for processing. Please be advised that after a thorough review of your request, there

are no records responsive to Parts A, C, or D of your request. Parts B and E of your request remain outstanding. Once those records are available, you will be notified via email.”

4. It is found that, by email dated June 16, 2025, the complainant acknowledged the respondents’ June 16 email and requested that, for parts A, C and D, the respondents provide:

(a) A written certification that no responsive records exist after a reasonable search (§1-210(a)); or

(b) A description of the search conducted (custodians queried, systems searched, date-range parameters).

5. By email dated June 18, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the records described in paragraph 2, above.

6. 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.

7. 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.

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 concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that, by email dated June 23, 2025, the respondents provided copies of records responsive to the complainant’s requests, described in paragraphs 2(b) and (e), above. The respondents also replied that they maintained no records responsive to the complainant’s request, described in paragraphs 4(a) and (b), above, and that “[t]he [FOI] Act (“FOIA”) does not require that public agencies answer questions in response to FOIA requests or create new

records, such as written certifications, in order to comply with a request. However, the IT Department reviewed your communication below in an effort to identify any existing records that would be responsive to your request regarding the search conducted. Following this review, it was determined no such reports exist.”<sup>2</sup>

11. At the contested case hearing, the complainant contended that the respondents failed to provide him with copies of all records responsive to his request, described in paragraph 2, above. The respondents contended that they had provided all responsive records in their possession to the complainant.

### **Telecommunications Records**

12. With respect to the request described in paragraph 2(a), above, the respondents testified, and it is found, that they searched their phone system as detailed in the request, and found no responsive records for the desk phone for Paul Vicinus or Melissa Caballero.

13. The respondents testified, and it is found, that they downloaded the cellular telephone statement for Paul Vicinus and found no calls during the time periods requested. The respondents also testified, and it is found, that although Melissa Caballero does not have a cell phone provided by the respondents, they checked her phone log as well and did not find any record of phone calls during the time periods requested responsive to the complainant’s request.

14. It is found that the respondents did not maintain any records responsive to the complainant’s request described in paragraph 2(a), above. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to such request.

### **Website Revision History**

15. With respect to the complainant’s request described in paragraph 2(b), above, the respondents testified, and it is found, that their website is hosted by a third-party vendor, Finalsité, and they opened a service ticket with Finalsité that included the complainant’s request. The respondents also testified, and it is found, that after receiving copies of records, which consisted of a log of changes made to the website, from Finalsité, they forwarded those records to the complainant.

16. The respondents testified, and it is found, that they are not aware of the capabilities of Finalsité’s system and that they provided the complainant with all records responsive to the request described in paragraph 2(b), above, that were provided to them by Finalsité, as part of the production described in paragraph 10, above.

17. It is found that the respondents made a reasonable and good faith effort to obtain records responsive to the complainant’s request described in paragraph 2(b), above. The

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<sup>2</sup> The Commission notes that a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari v. Colleen Murphy, Connecticut Freedom of Information Commission et al., CV105014984S, 2011 WL 1886878, at \*3 (Conn. Super. Ct. April 21, 2011).

complainant is free to make a new request, if he wishes, with respect to the request described in paragraph 2(b), above, if there are specific additional records he is seeking.

18. It is found that the respondents provided to the complainant all responsive records that they maintained, related to the request described in paragraph 2(b), above.

19. It is concluded that the respondents did not violate the disclosure provision of §§1-210(a) and 1-212(a), G.S., with respect to the request described in paragraph 2(b), above.

### **Calendar Records**

20. With respect to the request described in paragraph 2(c), above, the respondents testified, and it is found, that they use Google for their digital calendar. The respondents also testified, and it is found, that they ran searches for the terms described in paragraph 2(c), above, and found no responsive records.

21. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the request described in paragraph 2(c), above.

### **Targeted Activity Records**

22. The respondents testified, and it is found, that they checked Google Chat but, generally, the chat is not often used, and specifically, was not used for the ten minute period requested, as described in paragraph 2(d), above.

23. It is found that the respondents did not locate any records responsive to the request described in paragraph 2(d), above.

24. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the request described in paragraph 2(d), above.

### **Document Provenance Records**

25. With respect to the request described in paragraph 2(e), above, the respondents testified, and it is found, that they provided the complainant with responsive emails and the upload log. However, the respondents also testified, and it is further found, that although the superintendent's office maintained the native file, they had not requested the native file, relative to the June 2, 2025 agenda, from that office.

26. It is therefore found, based upon the findings in paragraph 25, above, that the respondents failed to provide the complainant with a copy of all records responsive to the request described in paragraph 2(e), above.

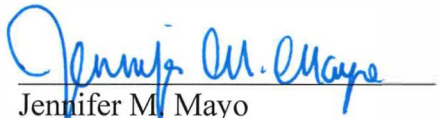
27. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the request for the native file of the agenda, described in paragraph 2(e), above.

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

1. Within fourteen (14) days of the date of the Notice of Final Decision, in this matter, the respondents shall provide the complainant with a copy of the native file of the agenda, as described in paragraph 2(e) of the findings above, free of charge.

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 June 10, 2026.

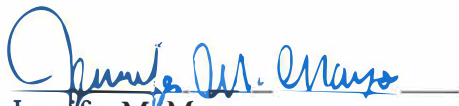
  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**SANJAY GUPTA**, 54 Orchard Road, West Hartford, CT 06117

**SUPERINTENDENT OF SCHOOLS, WEST HARTFORD PUBLIC SCHOOLS; AND WEST HARTFORD PUBLIC SCHOOLS**, c/o Attorney Cynthia Lauture, Assistant Corporation Counsel, 550 Main Street, Hartford, CT 06107



Jennifer M Mayo  
Acting Clerk of the Commission