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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Michael Richetelli,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2011-534

Jeanne Consiglio-Hoin, Chairperson, Board of  
Education, Orange Public Schools; and Board  
of Education, Orange Public Schools,  
Respondent(s)

June 20, 2012

## Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 11, 2012**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 29, 2012**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE June 29, 2012**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE June 29, 2012**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

W. Paradis  
Acting Clerk of the Commission

Notice to: Michael Richetelli  
Henry J. Zaccardi, Esq.  
Richard A. Mills, Esq.

6/20/12/FIC# 2011-534/Trans/wrbp/VRP//PSP

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Michael Richetelli,

Complainant

against

Docket #FIC 2011-534

Jeanne Consiglio-Hoin, Chairperson,  
Board of Education,  
Orange Public Schools; and  
Board of Education,  
Orange Public Schools,

Respondents

June 20, 2012

The above-captioned matter was heard as a contested case on March 12, 2012, 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. By letter of complaint filed October 3, 2011, the complainant appealed to the Commission, alleging that the respondent violated the Freedom of Information ("FOI") Act by denying his September 7, 2011 request for public records.
3. It is found that the complainant asked the respondents for the visitor sign-in logs from the Orange Board of Education office and the four Orange Public Schools.
4. It is found that the respondents promptly provided the logs for the four schools, but with all names redacted. (No log exists for the respondents' central office.)
5. Section 1-200(5), G.S., provides:

"Public 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, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part:

Except 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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212....

7. It is concluded that the four visitor sign-in logs are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that the names on the sign-in logs are predominantly parents of children enrolled in the schools, or professionals attending PPT conferences, and that the complainant is not seeking those names.

9. The respondent contends that the sign-in logs are exempt from disclosure pursuant to §1-210(b)(17), G.S., which provides that disclosure is not required of “Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act [“FERPA”], 20 USC 1232g ....”

10. Section 1232g(b)(1) of Title 20 provides that, with certain exceptions:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization ....

11. The regulation at 34 CFR §99.3 defines “personally identifiable information” to include, but not be limited to:

- a. The student’s name;
- b. The name of the student’s parent or other family member ....

12. The complainant does not contest the respondent's redaction of the names of the student's family members, but maintains that he is entitled to access to the other names on the logs.

13. The respondents contend that it is not reasonable for them to redact the names of the parents of students, because of the amount of work involved, because certain visitors, such as vendors, do not sign in, and because the respondents have previously reviewed, redacted, and made voluminous records available to the complainant, only to have him decline to inspect them.

14. It is found that the sign-in logs do not reflect whether the individual signing in is a parent or other visitor.

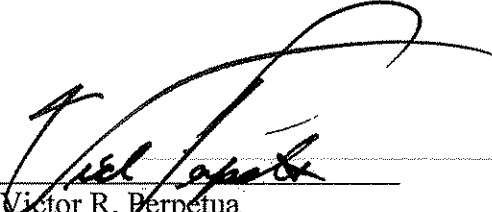
15. It is found that, for the period of time requested by the complainant, the logs contain about 2,000 names.

16. It is found that there is no easy way for the respondents to determine which of the many names on the logs are not those of parents. Indeed, it is entirely possible that all of the names on the logs are those of parents, and that requiring the respondents to attempt to determine the status of each individual on the list, and redact only the parents' names, would result in the production of another list with all of the names once again redacted. To require the respondents to conduct such an exercise when the complainant has previously refused to review or collect records that have been prepared for him, would be unreasonable under the facts and circumstances of this case.

17. It is concluded that the respondents did not violate §§1-225(a) and 1-210(a), G.S., by providing the requested visitor sign-in logs with the names redacted.

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.



Victor R. Perpetua  
As Hearing Officer