

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Halina Trelski,

Complainant

against

Docket #FIC 2016-0308

President, State of Connecticut,
Middlesex Community College;
and State of Connecticut,
Middlesex Community College,

Respondents

April 12, 2017

The above-captioned matter was heard as a contested case on July 15, 2016, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant filed numerous motions and objections in the course of this appeal, as follows, and as set forth by the complainant:

July 12, 2016, Motion to Subpoena;

July 13, 2016, Objection to Objection to Motion for Subpoena;

July 13, 2016, Motion for Full Clarification by Whom and Why My Motion to Subpoena was denied;

July 23, 2016, Motion to Reconsider Previous Decision and Accept to Evidence All Documents and My Written Statements I presented During July 15, 2016 Hearing;

July 23, 2016, Motion to Accept to Evidence 2 Additional Documents Pertain to FIC 2016-0308;

October 17, 2016, Motion to Strike any and All of the Respondents' Witnesses' Testimonies, Written Statements, and all other Evidence Presented by the Respondent;

November 2, 2016 Motion to Reopen the Hearings FIC 2016-0184, FIC 2016-0308, FIC 2016-0240 My Response to Attorney Lenehan Objection to My Motions To Strike. Again Motion to Approve my Motions To Strike;

December 9, 2016, Motion 1: Please Waive any regulation, law, if any apply, which prevent at this time filing of new motions; Motion 2: I am asking very respectfully FOI Hearing Officer and/or Commission to Reopen Case FIC 2016-0308 and the Hearing pertain to this Docket; Motion 3: Please Make Decision on all my motions before making Proposed Final Decision; Motion 4: Motion to Clarify. If Hearing Officer and/or Commission deny any of my motion, I am asking very respectfully for written clarification why my motions were denied; and

January 19, 2017, Motion 1: Motion to Reopen the Hearing in Docket #FIC2016-0308; Motion 2: Please Waive any regulation, law, if any apply, which prevent at this time filing of new motions; Motion 3: Please accept new evidence; Motion 4: Please accept to evidence copy of this letter, dated 1/19/17. Which contain my 7 motions and at the same time accept to evidence all information this letter includes; Motion 5: Please accept to evidence my signed statement, dated 6/03/2013, which explains why my school record is important and how my School Record (Banner) relates to my student loans and defenses against repayment of the Student Loans I filed with Guarantee Agency and U.S. Department of Education; Motion 6: Motion that Hearing Officer Make decision on 7 Motions included in this Letter Before She files her Proposed Final Decision; Motion 7: Motion for Clarification.

With respect to the above-captioned matter, the Commission denies all such motions, and overrules all such objections.

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 the complainant was a student at Middlesex Community College for periods between 2001 and 2006.
3. It is found that, on April 6, 2016, the complainant requested that the respondents provide her with certified copies of the following records: Part of the banner, or electronic records, pertaining to the complainant for school years 2001 through 2006 regarding her admissions status, applicant requirements, registration information, term sequence history, and academic progress (hereinafter “the requested records”).
4. By email dated April 21, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide certified copies of the requested records.
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. Section 1-212(a), G.S., provides in relevant part that “[a] person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. At the hearing in this matter, both the respondents and complainant acknowledged that the requested records are protected by the Family Education Rights and Privacy Act, 20 USC 1232g (“FERPA”), as educational records containing personally identifiable information of a student. Indeed, the complainant asserted that she had a right to the requested records since they are her own student records. In essence, the complainant is asking the Commission to enforce her rights to her own student records under FERPA. The Commission has no such authority.

10. Nevertheless, it is found that the respondents provided the complainant with certified copies of all requested records during the first week of July, 2016. It is further found that the respondents did not withhold any requested records from the complainant.

11. At the hearing in this matter, the complainant repeatedly contended that the respondents had deliberately and fraudulently altered her ten-to-fifteen year old educational records. The complainant was repeatedly informed by the hearing officer that no such allegations were raised in her complaint, and further, that the accuracy of public records is not an issue for the Commission. The Commission will not address such allegations in this matter.

12. Finally, at the hearing, the complainant contended that the respondents were not prompt in complying with her request, an allegation which was not specifically raised in the complaint. The respondents contended that any delay in response was due to a change in work assignments and some confusion in parsing the instant request from the many other requests of the complainant.

13. It is found that, recently, the complainant has served a multitude of requests for voluminous records upon the respondents, the Board of Regents, and Connecticut State Colleges

and Universities, many during the same time frame pertinent to this matter. Additionally, the Commission notes the number of complaints filed by the complainant with the Commission against the respondents, the Board of Regents, and Connecticut State Colleges and Universities in 2016 alone:

- a. Docket # FIC 2016-0073; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- b. Docket #FIC 2016-0184; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- c. Docket #FIC 2016-0240; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- d. Docket #FIC 2016-0241; Halina Trelski v. Director, State of Connecticut, Connecticut State Colleges and Universities; and State of Connecticut, Connecticut State Colleges and Universities;
- e. Docket # FIC 2016-0310 Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- f. Docket #FIC 2016-0627; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- g. Docket #FIC 2016-0641; Halina Trelski v. Chairman, State of Connecticut, Board of Regents; and State of Connecticut, Board of Regents;
- h. Docket #FIC 2016-0698; Halina Trelski v. Connecticut State Colleges and Universities
- i. Docket #FIC 2016-0711; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College;
- j. Docket #FIC 2016-0737; Halina Trelski v. Chairman, State of Connecticut, Board of Regents, Connecticut State Colleges and Universities; and State of Connecticut, Board of Regents, Connecticut State Colleges and Universities; and
- k. Docket #FIC 2016-0792; Halina Trelski v. President, State of Connecticut, Middlesex Community College; and State of Connecticut, Middlesex Community College.

14. Based upon the foregoing, it is concluded that the respondents promptly provided the complainant with certified copies of all requested records they maintain. Further, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 12, 2017.



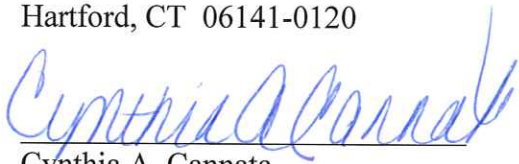
Cynthia A. Cannata
Acting Clerk of the Commission

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:

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and State of Connecticut, Middlesex Community College
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Cynthia A. Cannata
Acting Clerk of the Commission