FREEDOM OF INFORMATION ACT (FOIA)

THE LAW AND WHAT IT MEANS

Connecticut has a very broad freedom of information act that permits the public access to all public records unless they are specifically exempted from disclosure. This Act is codified at Connecticut General Statutes Section 1-200 et. seq. This Act defines public records as follows:

"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. CONN. GEN. STAT. § 1-200 (5) (2013).

Connecticut's Act provides that . . .

(a) 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. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. CONN. GEN. STAT. § 1-210 (2016).

A key provision of the Act exempts student records from disclosure. It provides:

(b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:

. . . Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g. CONN. GEN. STAT. § 1-210 (b) (17) (2016).
WHAT RECORDS MUST YOU KEEP

In Connecticut, under Connecticut General Statutes § 11-8b,

All public records . . . or other such records, created by public offices, are the property of the agency concerned and shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules and regulations adopted by the State Library Board pursuant to the provisions of chapter 54. Such public records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, transferred, or destroyed unlawfully.

These records include but are not limited to desk calendars, e-mail messages, correspondence, financial aid records, student educational records, catalogs and commencement programs.

In compliance with regulations adopted by the State Library Board, public records must be kept for a minimum retention period and can only be disposed of upon obtaining approval from the Public Records Administrator and the State Archivist. CONN. GEN. STAT. § 11-8a (b), (c) (2013)

For example, routine correspondence must be retained for a minimum of two years. Internship records and student clinical evaluations must be retained five years from date of graduation or date of last enrollment. Faculty grade books, students’ grades maintained by faculty members, must be retained five years from the end of the semester. However, catalogs and certain academic records must be permanently retained. Retention schedules can be found on the Connecticut State Library’s website (http://www.cslib.org/).

In order to dispose of a public record, after its minimum retention period has expired, a CCSU employee must fill out a Records Disposal Authorization form and send it to CCSU’s Business Services office for approval prior to destroying any records.

Please direct further questions concerning the disposal of public records to Rick Piotrowski at extension 22537.

WHAT TO DO IF YOU RECEIVE A REQUEST FOR RECORDS

If you receive a request for information that is contained within records maintained by CCSU, please send out the attached letter to the requestor within four business days of receipt of the request. Once you have located the requested records, please send the request and copies of the records to the FOIA Designee for your area. For Academic Affairs, the FOIA Designee is Patrick Tucker, Registrar, Office of the Registrar, 115 Davidson Hall.

Should a requestor claim a fee waiver due to indigency, the standard set by CCSU for indigency is no more than $500.00 in assets at any time during the year prior to the request for records.

If you have any questions concerning what records you must provide to a requestor, the fee waiver for indigency or whether the records at issue relate to students, please contact me or my administrative assistant Denise Chancey at (860) 832-3025.
SAMPLE LETTER
send within four business days of receipt of the request

Date

Address

Re:

Dear:

Thank you for your recent request for public records under the Freedom of Information Act. Since your Freedom of Information Act request is extensive, I will need some time to gather all of the responsive documents. Please note that it is our policy and statutory right to charge for the cost of formatting and programming for any electronic data which is requested as well as twenty-five cents per page for all paper copies provided under the Freedom of Information Act. This charge must be paid prior to the release of the information to you. If you should require a fee waiver due to indigency, CCSU’s standard for indigency is no more than $500 in assets at any time during the year prior to said request. Please complete and submit the attached form.

I will contact you as soon as I have located all responsive documents and have determined the cost of copies of these documents.

Sincerely,

[name]

Attachment

CCSU Indigency Fee Waiver Form.pdf