

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Journal Inquirer, Complainant) Report of Hearing Officer
against) Docket #FIC 76-18
State of Connecticut and the) May 11, 1976
Tax Commissioner of the State of)
Connecticut, Respondents)

The above captioned matter was heard as a contested case on March 5, 1976 and April 19, 1976, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as they are the State of Connecticut and the Tax Commissioner of the State of Connecticut, respectively.
2. On January 30, 1976, the complainant requested of officials in the State Tax Department that it be provided access to such department's list of sales tax delinquencies, and specifically the information of the amount of the delinquency of Motel Investors of East Windsor, Inc. This request was denied at that time.
3. By letter dated February 6, 1976, the present complaint was brought to this Commission. A copy of the letter of complaint was sent on the same date to the Governor who, in turn, forwarded the same to the respondent commissioner.
4. The respondents had actual and timely notice of this complaint.
5. The respondent commissioner contends that the complainant's request was in reality a request for a copy of documents and therefore such request should have been in writing pursuant to §5 of P.A. 75-342.
6. The complainant denies that such request was for copies of documents and it is found that the complainant's request was pursuant to § 2(a) of P.A. 75-342 which does not require such request to be in writing.
7. The information requested is maintained by the respondent commissioner although it is unclear whether such information is typed, printed or recorded by any other method, including the use of computers.

8. The respondent commissioner contends that the information requested is not included on public records since the documents containing such information are exempt from disclosure by state statute pursuant to §§ 2(a) and (b)(9) of P.A. 75-342. The respondents cite the following state statutes as exempting the requested information from public disclosure: §§ 12-15, 12-426(6), 12-129c(b), 12-170b, 12-444, 12-520 and 12-240, gen. stats.

9. It is concluded that none of the statutes listed in paragraph 8, above, specifically exempts from disclosure lists of sales tax delinquencies and the amounts of such delinquencies. In this regard it should be noted that § 3-7, gen. stats., requires public disclosure of compromised claims, including tax delinquencies.

10. It is also found that the respondent commissioner adduced no evidence that any statute listed in paragraph 8, above, exempts from disclosure the specific information requested by the complainant herein.

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

1. The respondent commissioner shall forthwith provide to the complainant access to inspect or copy the information requested in the letter of complaint herein.

2. If the information requested exists only on documents containing information otherwise exempt by statute from disclosure, the respondent commissioner may comply with this order by abstracting the requested information from such documents, by deleting the exempt information from such documents or by orally presenting the requested information to the complainant.

3. Compliance with this order shall be pursuant to § 2(a) of P.A. 75-342.

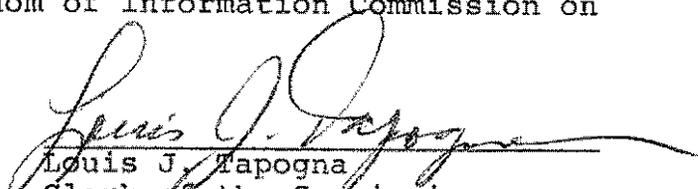
4. Nothing herein shall be construed as requiring disclosure of information exempted under the statutes listed in paragraph 8, above, except as specifically found herein.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on May 26, 1976.



Louis J. Tapogna
Clerk of the Commission