

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Wilbert and Flora Mitchell,)

Complainants.) Report of Hearing Officer
against) Docket #FIC 76-1

State of Connecticut and the) February 5, 1976
Commissioner of Banking,)

Respondents)

1. The respondent, the Commissioner of Banking, is a public agency.

2. On January 6, 1976, complainants asked respondent for a report of investigation made in 1976 by an agent of respondent involving the Connecticut Savings and Loan Association.

3. Respondent at that time refused to permit the complainants to see the report.

4. In 1975 this report was mentioned in a foreclosure case involving the complainants. At that time the court found this report was not germane to the litigation, and declined to rule on the confidentiality of the data set forth therein. The claim of the respondent that the court has made a finding on this issue is rejected.

5. Connecticut General Statutes 36-16 provides:

"All information obtained by the commissioner or by any member of the banking department shall be confidential except such as should, in the opinion of the commissioner, be imparted in the performance of official duties."

6. The report at issue falls under this State statute because it contains data acquired by the respondent or a member of the respondent's department in the performance of his official duties. Sections 2(a) and 2(b)(9) of the Act exempt records and reports by such State statutes.

7. As to the report itself, the following facts are found:

- a. The report is six years old;
- b. The Banking Commissioner has consistently stated that no violation of the law is indicated by the report;
- c. The report states findings based on a complaint to the respondent and facts supplied by the complainants appearing before the commission herein; and

- d. The usual legal rule would permit anyone making statements to an official body to have a copy of the statements made by that individual to the public agency, either in writing or orally.

ORDER

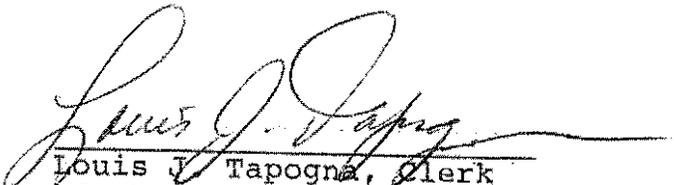
1. This complaint is dismissed, because the contents of the report are exempt from disclosure under Public Act 75-342.

2. The Commission recommends, however, that the Commissioner implement his powers under Sec. 36-16 in performance of his duties and that in his discretion he make available the report in question, or any part thereof that relates to the investigation initiated by the complainants. Such an action by the respondent would be consistent with the exempting statute. In addition, common sense, equity, and good judgment counsel a consumer-oriented policy in this matter.


Herbert Brucker, Chairman

as Hearing Officer

Approved by order of the Freedom of Information Commission
on February 20, 1976.


Louis J. Tapogna, Clerk
of the Commission