

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Katherine Grace and Janice) Report of Hearing Officer
Hardaswick, Complainants)
) Docket #FIC76-207
against)
) December 30, 1976
The Region 16 Board of Education,)
and Superintendent of Schools of)
Town of Prospect, Respondents)

The above captioned matter was heard as a contested case on December 27, 1976, at which time the complainants 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 defined by §1(a) of P.A. 75-342.

2. By letter dated November 19, 1976, the complainants requested from the respondent superintendent, through his secretary, the right to inspect all of the purchase invoices of the respondent board for the months of January through October, 1976.

3. By separate letter dated November 19, 1976, the complainants further requested that they be allowed to listen to the tape records of the August, September and October, 1976 meetings of the respondent board.

4. The complainants were told that the invoices would be available to them on November 22, 1976 and that the tapes would be available on November 23, 1976 between the hours of 3:00 p.m. and 4:00 p.m.

5. On November 22, 1976, it took the clerk of the respondent board one and one-half hours to hand the complainants each of some 2,400 invoices. The method of handing each invoice separately to the complainants for their inspection was devised by the respondents as a means of maintaining the chronological sequence thereof. In the course of their inspection of these documents, the complainants requested and received copies of four invoices.

6. The complainants were informed by the respondents that they would be charged for one and one-half hours personnel time at the rate of \$4.00 per hour for the aforesaid requested copies.

7. By letter of complaint filed with this Commission

on December 3, 1976, the complainants alleged that they did not receive the aforesaid requested copies promptly upon request and that they were not permitted to listen to the tapes within a reasonable time, in violation of the time requirements of P.A. 75-342. The complainants further alleged that the aforesaid charge exceeds the cost thereof to the public agency and is therefore in violation of §5 of P.A. 75-342.

8. The aforesaid requested documents are public records within the meaning of §1(d) and §2(a) of P.A. 75-342.

9. It is found that the complainants received the requested invoices within the time requirements of §5 of P. A. 75-342.

10. The complainants were not able to listen to the tapes at the time determined by the respondent superintendent and did not attempt to make arrangements for an alternative time thereafter.

11. It is further found that the respondent superintendent fully complied with the time requirements of §2 of P. A. 75-342.

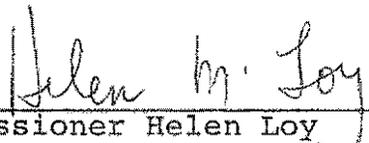
12. The aforesaid personnel costs were based, in part, upon the personnel time spent in complying with the complainants request to inspect the aforesaid records under §2(a) of P.A. 75-342. §2(a) of P.A. 75-342 does not provide for any fees for producing records for public inspection in contrast to §5 of that Act.

13. The personnel costs were also based upon the added compensation benefits of the personnel involved in complying with the complainants' request for copies under §5 of P.A. 75-342.

14. It is found that the aforesaid charge of \$4.00 per hour for one and one-half hours of personnel time spent exceeds the actual cost of copying the requested records under P.A. 75-342.

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

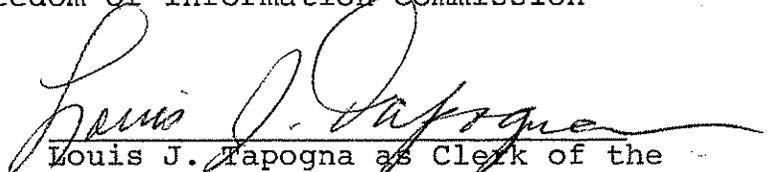
1. The respondent superintendent shall forthwith compute its actual personnel costs in copying and returning to files the requested documents by including the following items only: the base salary of the personnel involved; the actual time spent in making copies and returning the requested documents to files.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission
on January 12, 1977.


Louis J. Tapogna as Clerk of the
Freedom of Information Commission