

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the matter of a Complaint by
Deborah Lynch

FINAL DECISION

Complainant

Docket #FIC83-1

against

August 4, 1983

The Principal of the Great Oak
Middle School of the Town of
Oxford,

Respondent

The above captioned matter was scheduled for hearing on April 12, 1983 at which time the parties appeared and presented evidence and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a (a) G. S.
2. On January 5, 1983 the complainant filed a complaint with the Freedom of Information Commission alleging failure of the respondent to comply with an order of the Commission dated November 23, 1982.
3. The order, adopted as part of a final decision in #FIC82-87, required the respondent to provide the complainant with access to inspect a copy of the bank book of the fund raising account of the sixth grade class of the Great Oak Middle School, and any pertinent information relating to the status of such account, if such information exists.
4. On December 23, 1982, a half day for the Great Oak Middle School, the respondent denied the complainant access to the records which were subject to the order because he had been told by his superintendent not to hand over the records until he had seen a copy of the Commission's order.
5. The Commission's final decision had been sent several weeks earlier to the attorney representing the school and the respondent but he had not transmitted it to the superintendent or the respondent.
6. On the next work day after Christmas vacation, the superintendent transmitted the final decision to the respondent who then made the information in his possession available to the complainant.

7. Thereafter, on several occasions over a period of several months, material within the scope of the request, but which had not been available to the respondent on January 3, was turned over to the complainant

8. It is found that the complainant has failed to prove that the respondent violated the Commission's order.

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

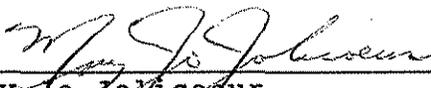
1. The complaint is hereby dismissed.

2. This is a borderline case. Despite the conclusion that the complainant failed to meet her burden, the facts here show a sluggish and narrowly bureaucratic response by the school system to a legitimate exercise of the complainant's rights under the Freedom of Information Act.

If the respondent or his superintendent had genuine doubt as to the final decision of the Commission, they could have checked the complainant's claims with the Commission. The course of action they chose instead reflects a disregard of the spirit and substance of the Freedom of Information Act which is inappropriate for a public educational institution.

3. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of July 27, 1983.



Mary Jo Jolicœur
Clerk of the Commission