

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Anna Broff,

FINAL DECISION

Complainant

Docket #FIC83-48

against

November 29, 1983

Plant Manager of Schools of the  
City and Town of New Britain,

Respondent

The above captioned matter was heard as a contested case on June 28, 1983, and again on September 6, 1983, at which times the complainant and the respondent appeared and presented testimony, exhibits 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. By letter of complaint filed with the Commission on April 21, 1983 the complainant alleged that she had been denied prompt access to a copy of a survey by the Peter Abel Company updating New Britian schools.
3. The complainant, during business hours on April 15, 1983, made an oral request of the respondent for a copy of the survey, and was told that the surveys were unavailable, but would be available on Monday, April 18, 1983.
4. Twenty-five copies of the survey were received by the respondent at the close of business hours on April 18, 1983, such copies to be distributed to agencies whose memberships totaled forty.
5. On April 18, 1983, the complainant attended a meeting of the school board and again requested a copy of the survey. The complainant was told that the survey could not be released until approved by the school board and, furthermore, that extra copies for members of the public were not available. The respondent told the complainant to contact him the next day regarding the survey.

6. On April 19, 1983, the complainant made a request in writing for a copy of the survey. The complainant was told that extra copies were unavailable, that due to the size and shape of the survey it could not be reproduced on the respondent's copier, and that a copy of the report would have to be ordered, for which the complainant agreed to pay \$17.50.

7. At the time of the April 19, 1983 request the respondent offered the complainant an opportunity to examine a copy of the survey, which she declined.

8. At hearing, the respondent claimed that although the survey was voluminous, the essence of the findings contained therein was condensed in a few summary paragraphs which could have been easily reviewed.

9. It is noted, however, that the respondent made no effort to point out such fact to the complainant.

10. On April 22, 1983, the complainant received a copy of the survey in response to her written request on April 19, 1983.

11. It is found that on April 15, 1983 the respondent knew how many copies of the survey had been ordered and therefore had reason to know that there would not be an extra copy available for distribution to the complainant.

12. It is therefore found that the respondent's failure to inform the complainant on April 15, 1983 that if she wanted a copy of the survey she would have to have a copy ordered violated at least the spirit, if not the letter, of the Freedom of Information Act.

13. Because no copies were available for distribution on April 18, 1983, the Commission interprets the respondent's comments on that date relating to the lack of the school board's approval as a denial of the complainant's request to inspect the survey.

14. Nothing in the Freedom of Information Act exempts a public record from disclosure on the basis that it has not received the approval of a reviewing agency.

15. It is concluded that the respondent violated §1-19(a), G.S. when on April 18, 1983 the respondent denied the complainant's request to inspect the survey in question.

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

1. Henceforth, the respondent shall act in strict compliance with the requirements of §1-19(a), G.S. regarding inspection of public records.

Approved by order of the Freedom of Information Commission at its regular meeting of November 23, 1983.

  
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Mary Jo Jolicœur  
Clerk of the Commission