

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Louis Buonfiglio

Docket #FIC84-14

Complainant(s)

June 13, 1984

vs.

Waterbury Police Department

Respondent(s)

The above captioned matter was scheduled for hearing on March 8, 1984 at which time the complainant and respondent 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. By letter filed with this Commission January 31, 1984 the complainant alleged that the respondent had failed to supply him conviction information relating to one Ann Surace.
3. The conviction information was requested on a form supplied by the complainant on January 16, 1984.
4. The conviction information was supplied to the complainant by the respondent on or about February 3, 1984.
5. The complainant claimed at hearing that the respondent violated the Freedom of Information Act because it failed to provide the documents promptly as required by §1-15, G.S., and because the document when provided was stamped with a restriction on its use which is unauthorized.
6. The stamp about which the complainant complained stated in four lines:

WATERBURY POLICE DEPARTMENT

The use of this information is  
regulated by law. Do not  
disseminate  
Not verified by fingerprints

7. Section 1-15 provides in relevant part:

Any person applying in writing shall receive promptly upon request, a plain or certified copy of any public record.

8. It is found that the respondent failed to provide the document promptly as required by §1-15, G.S.

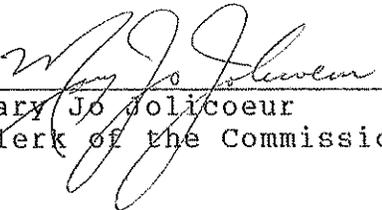
9. It is further found that while the stamp on the document misleads the public about its legal status, that nothing in the Freedom of Information Act regulates the contents of such stamps.

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

1. The respondent shall henceforth comply with §1-15, G.S.

2. Although the Freedom of Information Act does not regulate the contents of messages which public agencies stamp upon records which are provided pursuant to §1-15, G.S., nonetheless, the stamp complained of violates the spirit and intention of the law. It gives inaccurate information and the Commission urges the respondent to refrain from using it in the future.

Approved by order of the Freedom of Information Commission at its regular meeting of June 13, 1984.

  
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Mary Jo Jolicoeur  
Clerk of the Commission