

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Susan Kniep.

FINAL DECISION

Complainant
against

Docket #FIC84-140

November 14, 1984

Mayor, Town of
East Hartford,

Respondent

The above captioned matter was scheduled for hearing October 9, 1984 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. By letter dated July 24, 1984 the complainant alleged that she had been denied copies of public records from the respondent.
3. In a memo dated July 9, 1984, directed to Mayor George Dagon, the complainant, a town council member, requested certain information and a copy of a specific lease.
4. The lease was forwarded by the complainant on July 24, 1984.
5. On August 17, 1984 the complainant was provided with a copy of a memorandum which answered the questions raised in her memo of July 9, 1984.
6. The August 17, 1984 memorandum was not in existence at the time the complainant made her request but was created specifically to provide the information she was seeking.
7. The complainant claimed that the copies of the lease and the informational memo were not provided to her "promptly" as required by §§1-15 and 1-19a, G.S.

8. Section 1-19(a), G.S. provided in relevant part that

[A]ll records maintained or kept on file by any public agency . . . shall be public records and every person shall have the right to inspect or copy such records promptly . . .

9. Section 1-15, G.S. provides that "any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record.

10. It is found that §1-15 and §1-19(a), G.S. does not give the complainant a right to require the respondent to create records to answer her questions.

11. Therefore it is found that the complainant was not denied any right under §1-19(a), G.S. when a document was created to answer her questions and was provided to her on August 17, 1984.

12. However, it concluded that a time span of two weeks between the complainant's request for a copy of the lease and her receipt of the lease was not prompt and therefore that the respondent failed to comply with the complainant's right to receive copies promptly which is set forth at §1-15, G.S.

13. The complainant requested that the Commission rule on the validity of the interpretation by the local corporation counsel of the Charter of the Town of East Hartford that its Section 3.8 prohibits members of city council from requesting copies of records directly from departments of the town government, but that instead such requests must be made through the mayor's office.

14. The complainant stated that she was informed by the Department of Inspections and Permits in December, 1983 that it would not provide her with copies of certain records because she was required to make her request through the mayor's office.

15. The respondent claimed that the commission lacked jurisdiction over the complainant's claims in so far as they pertained to a request for records which were denied more than thirty days prior to the date the complainant mailed her complaint on July 24, 1984.

16. Section 1-21i(b), G.S. provides in relevant part

[a]ny person denied the right to inspect or copy records under §1-19 . . . or denied any other right conferred by sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to

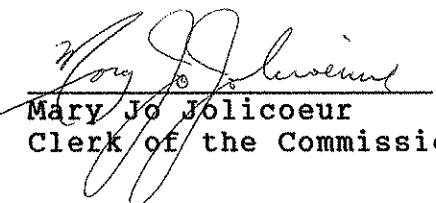
1-21k, inclusive, may appeal therefrom to the freedom of information commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed within thirty days after such denial . . .

17.. It is found that the denial of access to records of which the complainant complains in December is outside the time limits prescribed at §1-21i(b), G.S. and that therefore the Commission lacks jurisdiction over her complaint.

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 section 1-15 and 1-19(a), G.S. by providing copies of records promptly.

Approved by order of the Freedom of Information Commission at its regular meeting of November 14, 1984.


Mary Jo Jolicoeur
Clerk of the Commission