

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Michael McCune and the Post
Publishing Company

FINAL DECISION

Complainants

Docket #FIC 84-180

against

Department of Human Resources of
the State of Connecticut

April 24, 1985

Respondent

The above captioned matter was heard as a contested case on December 21, 1984 at which time the complainants 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 filed with the Commission on September 10, 1984 the complainants alleged that the respondent had denied them access to public records regarding state-licensed day care centers.
3. By letter dated August 20, 1984 the complainants requested that the respondent provide access to "all records of complaints against all day care facilities under your agency's purview in the Greater Bridgeport Area (Bridgeport, Fairfield, Monroe, Stratford and Trumbull)."
4. By letter dated August 31, 1984, the respondent replied that records containing allegations of child abuse were exempt from disclosure pursuant to §17-38a, G.S., and asked that the complainant be more specific as to information requested.
5. At the hearing, the respondent agreed to provide access to all complaints, except for child abuse complaints, with the identity of any child who was the subject of a complaint masked.

6. The respondent claimed that child abuse complaints were exempt from disclosure pursuant to §17-38a, G.S.

7. It is found that pursuant to §17-38a(g), G.S., records of child abuse complaints are confidential.

8. It is concluded that records of child abuse do not fall within the public disclosure provisions of §1-19, G.S., because such records fall within the confidentiality provisions of §17-38a, G.S.

9. §17-38a-2(b) of the Regulations of Connecticut State Agencies provides that:

"Information which shall not be protected includes general information not identified with any particular individual such as the number of names in the registry and other non-identifying statistical data."

10. While it is not within the jurisdiction of the Commission to order disclosure of child abuse complaints, it is noted that under §17-38a(g), G.S., the respondent may disclose the information specified in §17-38a-2(b) of the Regulations.

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.

Approved by order of the Freedom of Information Commission at its regular meeting of April 24, 1985.



Mary Jo Jolicœur
Clerk of the Commission