

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Michael Sinnot,

FINAL DECISION

Complainant

Docket #FIC85-47

against

June 12, 1985

Department of Children and
Youth Services of the
State of Connecticut,

Respondents

The above captioned matter was heard as a contested case on May 9, 1985 at which time 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 January 14, 1985 the complainant alleged that he had been denied access by the respondent to records relating to his alleged abuse of his stepson.

3. Upon inquiry by Commission staff the complainant indicated that he did not recall the date of his request but that on February 19, 1985 he had made a second request and had again been denied access.

4. §17-38a, G.S., et seq. sets forth the public policy of this state to protect children from abuse and establishes requirements regarding the filing and maintenance of reports of child abuse.

5. §17-38a(g), G.S. provides that information relative to child abuse shall be confidential subject to regulations promulgated by the commissioner of children and youth services.

6. It is found that the records requested by the complainant constitute "information relative to child abuse" within the scope of the confidentiality requirements of §17-38a(g), G.S.

7. It is found that §17-38a(g), G.S. is a statutory exception to the public access requirements of the Freedom of Information Act.

8. §17-38a-6(a)(2)(B) of the Regulations of Connecticut State Agencies provides that a "parent, guardian or other person responsible for the welfare of a child named in a report or record" may have access to child abuse information by applying in person or in writing.

9. It is found that the above regulation creates a special right to access other than the public's right created by the Freedom of Information Act.

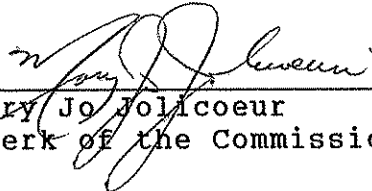
10. It is concluded that the respondent did not violate §1-15 or §1-19(a), G.S. when it denied the complainant access to the records in question.

11. It is also found that this Commission is without jurisdiction to enforce rights of access created by statutes or regulations other than §1-15, et seq., G.S.

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 June 12, 1985.



Mary Jo Jolicoeur
Clerk of the Commission