

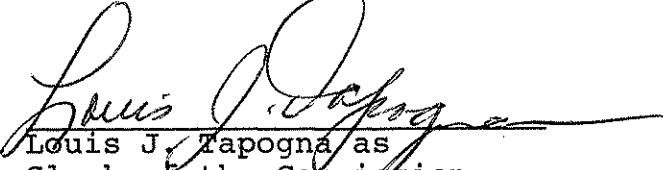
FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
New Haven Advocate,) Notice of Interim Order
Complainant)
) Docket #FIC77-113
against)
) July 14, 1977
State of Connecticut; and)
Commissioner of State Police,)
Respondents)

TO: State of Connecticut; and Commissioner of State Police,
as Respondents; and New Haven, Advocate, as Complainant.

This will serve as notice of the interim order of the Freedom of Information Commission in the above matter. At its meeting of July 13, 1977 the Commission adopted the proposed finding and order of the hearing officer as the finding and interim order of the Freedom of Information Commission.

By order of the Freedom of
Information Commission


Louis J. Tapogna as
Clerk of the Commission

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
New Haven Advocate,)	Report of Hearing Officer
Complainant)	Docket #FIC77-113
against)	July 1, 1977
State of Connecticut; and)	
Commissioner of State Police,)	
Respondents)	

The above captioned matter was heard as a contested case on June 27, 1977, at which time the complainant and the respondents appeared and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter dated May 26, 1977, the complainant requested from the respondent commissioner access to any and all documents in the files of the state police department pertaining to the New Haven-related activities of some forty-seven groups and organizations.
3. Having failed to receive a reply within four business days, the complainant filed the present appeal with the Commission on June 10, 1977 asserting its right of access to the records requested.
4. The state police department maintains a decentralized record system. The department is composed of numerous specialized units and each unit keeps record files particular to its operation.
5. The indices to the aforesaid files are as numerous and varied as the files themselves. Although the names of organizations do appear in the indices to such files, in certain instances, documents are indexed under a name other than the organization to which it refers.
6. The respondent commissioner has refused to process the complainant's request on the basis that it would be impossible, under the present indexing system, to adduce any and all records relating to the forty-seven organizations as requested.
7. There was no evidence presented at the hearing herein that none of the organizations mentioned in the complainant's request appear in the indices of the aforesaid files, although knowledge of such a matter is peculiarly within the control of the respondent commissioner.

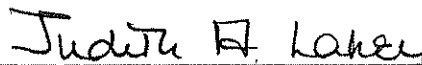
8. It is concluded that the failure of the respondent commissioner to make available those files which can be accessed by reference to the names of organizations identified in the complainant's request, constituted a denial of the complainant's right to inspect or copy records under §1-19, G.S.

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

1. The respondent commissioner shall forthwith provide the complainant with access to those files, throughout his department, which, under the present indexing system, can be accessed by reference to the names of organizations identified in the complainant's letter of request, as required by §1-19, G.S.

2. The respondent commissioner may delete or conceal from the complainant's view only that information contained on such documents which in his good faith opinion is not required to be disclosed under §1-19(b), G.S.

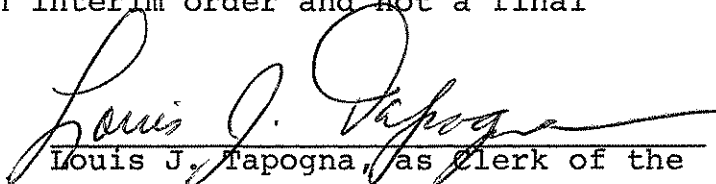
3. Nothing herein shall be construed as limiting the complainant's rights in seeking further relief before this Commission in the case where specific information is deleted or concealed as aforesaid and the complainant believes that such deletion or concealment is not in conformity with the requirements of P.A. 75-342 or this Order.



Commissioner Judith A. Lahey

as Hearing Officer

4. This decision is an interim order and not a final decision of the Commission.



Louis J. Papogna, as Clerk of the

Freedom of Information Commission

Since satisfactory compliance apparently has been tendered by the respondent commissioner in the above captioned matter, and since no further relief has been sought by the complainant herein, it is hereby ordered that the foregoing be entered as a final decision of the Commission.

Approved by order of the Freedom of Information Commission on FEBRUARY 13, 1980.



Leslie Ann McGuire, Clerk of the
Commission