

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Robert S. Brill, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-192
)
State of Connecticut; Commissioner) October 18, 1977
of Mental Health of the State of)
Connecticut; and the Department of)
Mental Health of the State of)
Connecticut, Respondents)
)

The above captioned matter was heard as a contested case on October 18, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts 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 September 19, 1977, marked as Commission Exhibit 1, the complainant requested, on behalf of a client, certain medical records of such client kept and maintained by the Whiting Forensic Institute.
3. The respondents have authority over records kept at the Whiting Forensic Institute.
4. Having failed to receive a reply within four business days, the complainant appealed to this Commission by letter filed herewith on September 29, 1977.
5. By letter filed on October 7, 1977, the complainant alleged that the respondents will be furnishing him with the requested documents but at a cost in excess of the fee prescribed under §1-15, G.S., in violation of §1-15, G.S.
6. The documents in issue will be provided to the complainant at a cost of \$5.00 for the first three pages and \$1.00 for every page thereafter.
7. The respondents moved to dismiss this matter on the ground that the Commission is without jurisdiction to determine the fee for copy of records that are not public records as defined in the Freedom of Information Act.
8. §1-19(c), G.S., states that the records referred to in subsection (b) of §1-19, G.S., "shall not be deemed public records for the purposes of sections 1-15 ..."

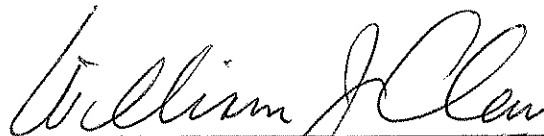
9. §1-19(b)(2) defines medical files and similar files the disclosure of which would constitute an invasion of privacy as an exempt record.

10. The documents here in issue are personnel files and similar files within the meaning of §1-19(b)(2), G.S.

11. This Commission is therefore found to be without jurisdiction to determine the fee that may be charged for copy of such records.

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

1. The complaint is hereby dismissed.



Commission William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 26, 1977.



Charlene G. Arnold, Clerk of the
Freedom of Information Commission