FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Citizens for Humanizing Criminal Justice, Complainant	Report of Hearing Officer
against	Docket #FIC77-6
State of Connecticut; and Commissioner of State Police, Respondents	February 9, 1977

The above captioned matter was heard as a contested case on February 1, 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 in §1-18a(a), General Statutes.

2. On January 14, 1977, the respondent commissioner supplied eight pages of copy pursuant to a request made by the complainant.

3. The complainant was charged $8.56 for the above and has paid the same.

4. By letter of complaint filed with the Commission on January 18, 1977, the complainant alleged that the aforesaid charge exceeds the actual cost thereof to the respondent commissioner and is therefore in violation of §1-15, General Statutes.

5. The respondent commissioner admits that two additional pages were supplied in error and that the subject of the complainant's initial request consisted of a total of six pages.

6. The respondent commissioner contends, however, that the charge of $8.56 is nevertheless the actual cost to his agency.

7. The respondent commissioner has fixed the aforesaid fee of $8.56 as a standard fee for requests for copy consisting of anywhere from one to twenty pages. This fee is derived from

an average cost analysis undertaken by the respondents when this Act originally became public law.

8. An actual cost analysis was never undertaken.

9. The respondents have failed to prove that the aforesaid fee of $8.56 did not exceed their cost.

10. It is concluded that pursuant to §1-15, General Statutes, the respondent commissioner may only charge to the complainant a fee for the requested document which does not exceed the actual cost of copying such document.

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 compute its actual cost of copying the document requested herein. In computing such cost, the respondent commissioner shall include the following items only: actual personnel costs in retrieving, copying and returning to files the requested document; the actual cost of six 8 1/2" x 11" sheets of photocopy paper; and the estimated cost of operating its photocopy machine, including the cost of rental, ink, chemicals, and service contract, for two copies.

2. After completing the computation described in paragraph 1 of this order, the respondent commissioner shall forthwith provide the complainant with a statement of the actual cost of copying the requested document and shall remit to the complainant any overcharge resulting from the difference between $8.56 and actual cost of copying such requested document.

Helen M. Loy

Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 23, 1977.

Louis J. Tapogna

Louis J. Tapogna, as Clerk of the Freedom of Information Commission