

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Leo J. Bilodeau, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-93
)	
State of Connecticut; Norwich)	June 2, 1977
Hospital and Superintendent)	
of Norwich Hospital,)	
Respondents)	

The above captioned matter was heard as a contested case on May 25, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent hospital and superintendent are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated April 12, 1977, the complainant requested of the respondent superintendent all records and correspondence concerning the complainant's confinement at the respondent hospital from August 21, 1956 through June 27, 1957.
3. Having failed to receive a response to the aforesaid letter by May 2, 1977, the complainant appealed to this Commission by letter filed herein on May 5, 1977.
4. On May 4, 1977, the assistant superintendent of the respondent hospital mailed to the complainant an abstract of a portion of the requested documents.
5. At the hearing on this matter, the respondents moved to dismiss the complaint on the ground that the documents requested are not public records within the meaning of Chapter 3, General Statutes.
6. The term "public records on files" is defined in §1-18a(d), G.S., in pertinent part, as "any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency" (Emphasis added).
7. §1-19(a), G.S., however, also states in pertinent part that "Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency.. shall be public records and every person shall have the right to inspect or copy such records...." (Emphasis added).

8. While it is clear that §1-18a(d) forms part of a general definitional statute to be used in construing the Freedom of Information Act, it must be read together with §1-19(a) and the legislative policy underlying the entire Act in order to resolve any questions as to the operative definition of the term "public records".

9. Using the criteria set forth in paragraph 8, above, it is concluded that the General Assembly intended that public records must, in fact, relate to the conduct of the public's business, as stated in §1-18a(d).

10. Since every document in the custody or possession of a public agency arguably touches, in some respect, the public's business, this Commission must consider each request and complaint on its own merits and determine whether the subject documents indeed relate to the conduct of the public's business within the meaning of §1-18a(d).

11. The documents in question obviously contain information personal to the complainant only. They contain intimate details of his private life and reports of his medical and psychological health and conclusions of other persons concerning same.

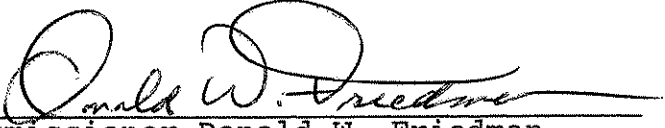
12. It defies belief that the General Assembly intended that the aforesaid documents fall within the class of records to which members of the general public should have access.

13. Consequently, it is concluded that the documents herein requested do not relate to the conduct of the public's business and are therefore not public records within the meaning of the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

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

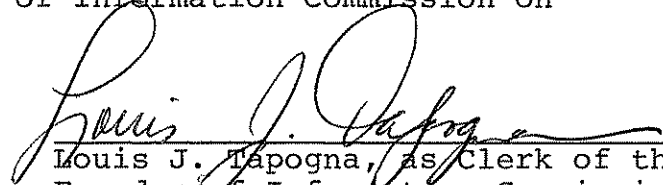
1. The complaint is hereby dismissed since the documents requested are not public records within the meaning of the Freedom of Information Act, as codified in Chapter 3 of the General Statutes.

2. While this Commission is constrained by its understanding of the public access provisions of the Freedom of Information Act--the statute under which it must operate--to dismiss the complaint herein, the Commission strongly urges the respondents to permit the complainant to inspect or copy the complete content of his file. The Commission makes this recommendation on 3 grounds. First, the file concerns the complainant directly and exclusively. Second, the complainant has already been permitted to review a portion of that file. Finally, the Complainant should be permitted to inspect or copy his file as a matter of the public policy embodied in P.A. 76-421, which becomes effective on July 1, 1977.


Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 8, 1977.



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