

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Peter B. Pach and The Meriden)
Record Company d/b/a Morning)
Record and Journal,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-164
Town of Wallingford; Water and) October 25, 1978
Sewer Division of the Town of)
Wallingford; and General Manager)
of the Water and Sewer Division)
of the Town of Wallingford,)
Respondents)

The above captioned matter was heard as a contested case on October 10, 1978 at which time the complainant and the respondents appeared and presented testimony, exhibits and testimony on the complaint.

Since the record reflects that the Meriden Record Company d/b/a Morning Record and Journal has rights or privileges which are being determined in this case and since the participation of the Meriden Record Company is deemed to be necessary to the proper disposition of this case, the Meriden Record Company d/b/a Morning Record and Journal is hereby made a complainant in the above entitled matter.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated August 17, 1978 a reporter for the Morning Record and Journal requested that he be permitted to copy the most recent computerized list of delinquent water accounts of the water and sewer division of the town of Wallingford.
3. By letter filed with this Commission August 28, 1978 the complainant Pach, who is an editor of the Morning Record and Journal alleged violation of §1-19(a), G.S. by the respondent water and sewer division for its failure to provide access to the requested records.
4. A reporter for the newspaper had been attempting to obtain the records formally requested on August 17, 1978 since August 1, 1978.
5. The respondent water and sewer division claimed at hearing that the records were exempt from disclosure either under §1-19(b)(2), G.S. or under the Personal Data Act which is set forth at sections 4-190, et seq. of the General Statutes.

6. The amounts owed by property owners with delinquent accounts are periodically recorded as liens on property in the land records of the respondent town.

7. The computer print-outs requested by the complainant are "cash up-date lists." They show the name and address of the property owner, amounts showing sewer charges, delinquent interest, fire service charges, a lien charge if the debt is ninety days old and an amount which reflects the total amount due.

8. It is found that the records in question are not personnel or medical or similar files within the meaning of §1-19(b)(2).

9. It is further found that the Personal Data Act as set forth at §4-190, et seq., G.S. does not apply to towns or town agencies.

10. It is concluded therefore that the records requested by the complainant are subject to disclosure under §1-15 and §1-19(a), G.S.

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

1. The respondents shall forthwith provide the complainant with access to the records requested in its letter dated August 17, 1978.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
November 8, 1978.



Charlene G. Arnold
Clerk of the Commission