

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Clifford Noll,

Complainant

Report of Hearing Officer

against

Docket #FIC79-123

Department of Transportation of
the State of Connecticut; and
Commissioner of the Department
of Transportation of the State of
Connecticut,

January 23, 1980

Respondents

The above captioned matter was heard as a contested case on November 19, 1979, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits 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 22, 1979, the complainant requested certain information relating to the proposed highway I-84 in Eastern Connecticut.

3. By letter dated May 25, 1979, the respondents denied access to the requested records.

4. From such denial, the complainant appealed to this Commission by letter received and filed herewith on June 6, 1979.

5. The subject matter of this appeal narrowed at hearing to those records which identify the names and addresses of some 625 persons who were given notice that the respondents intended to enter upon their private property in conjunction with the proposed highway project. In this regard, the complainant also seeks access to those individuals who acknowledged receipt of the aforesaid notice.

6. The requested information exists on a certain form, marked Joint Exhibit 1, which form is kept by the respondents for each of the individuals involved.

7. Such form was created by the respondents pursuant to the notice provisions of §13a-60, G.S.

8. The respondents claim that they are not compelled to provide public access to the requested documents, as requested, pursuant to exemptions §§1-19(b)(2), 1-19(b)(4) and 1-19(b)(7).

9. It is found that the requested records do not constitute personnel or medical files and similar files within the meaning of §1-19(b)(2), G.S.

10. Although the issue of personal privacy need not be addressed by virtue of Finding #9 hereinabove, it is nevertheless found that disclosure of the requested information will not result in an invasion of personal privacy. In this regard, the respondents have previously provided the complainant with documents which, if used in conjunction with the land records, will result in the disclosure of the requested identities. The issue of personal privacy is therefore moot.

11. It is also found that such records do not pertain to strategy or negotiations with respect to pending claims and litigation within the meaning of §1-19(b)(4).

12. Lastly, it is found that such documents do not consist of the contents of evaluations made by an agency relative to the acquisition of property or to prospective public supply and construction contracts within the meaning of §1-19(b)(7), G.S.

13. It is therefore concluded that the respondents, on May 25, 1979, wrongfully denied the complainant the 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 respondents shall, within 5 business days of the date of Notice of Final Decision hereof, provide the complainant with access to, or copies of, the public records described in paragraphs 5 and 6 of the Findings hereinabove.



Commissioner Helen Loy

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



Leslie Ann McGuire
Clerk of the Commission