

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Peter Lounsbury,

Complainant

Final Decision

against

Docket #FIC79-149

Health Inspector of the Town of
Redding; and Selectman John Atwood
of the Town of Redding,

November 14, 1979

Respondents

The above captioned matter was heard as a contested case on October 29, 1979, 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. On June 22, 1979, the complainant requested of the Redding town sanitarian (hereinafter called the "respondent health inspector") a true photocopy of the respondent health inspector's appointment schedule for June 22, 1979 through June 30, 1979.
3. The complainant renewed the same request to the acting first selectman of the Town of Redding on June 25, 1979.
4. The respondent health inspector is employed on a four-day per week basis by the Town of Redding. He also works as a food consultant for various other employers.
5. During the period concerned, the respondent health inspector maintained his appointment schedule in a personally owned calendar-appointment book only. This book contained his appointments for both his Town of Redding employment and for his other business engagements.
6. The complainant was willing to accept a photocopy of the respondent health inspector's appointment book for the period concerned with such inspector's private engagements deleted or otherwise concealed.
7. The respondents were willing to provide the complainant with a true and attested typewritten record of the respondent health inspector's town-related appointments for the period concerned.
8. From the denial of his request, the complainant appealed to the Commission by complaint filed July 11, 1979.

9. It is found that the appointment book in question is a privately owned notebook maintained by the respondent health inspector in his individual capacity as an aid to remembering business engagements.

10. It is therefore concluded that such appointment book is not a public record within the meaning of §§1-18a(d) 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 complaint is hereby dismissed.

2. Although the Commission is constrained by the facts of this case to conclude that the requested appointment is not a public record, this result should not be construed as condoning a lack of proper time-keeping records by public agencies with respect to their employees. While it is unfortunate that such records were not kept with regard to the town sanitarian for the period for which the complainant made his request, the Commission commends the respondents for recognizing this defect and instituting a public records system that records the appointments of the sanitarian while on town business.

Approved by order of the Freedom of
Information Commission on November 28,
1979.



Leslie Ann McGuire
Clerk of the Commission