

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Douglas P. Hulette and Mary Connolly,
(Danbury News-Times)

Report of Hearing Officer

Complainants

Docket #FIC81-80

against

Criminal Injuries Compensation Board
of the State of Connecticut,

October 14, 1981

Respondent

The above captioned matter was heard as a contested case on September 16, 1981, at which time the complainants and the respondent 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 respondent is a public agency as defined by § 1-18a(a), G.S.
2. On or about April 24, 1981, the complainants orally requested of the respondent access to the following information, which request was denied orally by a member of the respondent at that time:
 - a. The name of each crime victim who applied for compensation from the respondent;
 - b. A brief description of the facts of each applicant-victim's case; and
 - c. The amount of any compensation awarded to each applicant-victim.
3. Under § 54-214, G.S., the information described in paragraph 2, above, is to be contained in annual reports by the respondent to the General Assembly.
4. By letter dated April 24, 1981, and hand-delivered to the office of the respondent on April 27, 1981, the complainants made a request for inspection and copying of its "annual report to the legislature, specifically including the name of each applicant, a brief description of the facts of each case, and the amount of any compensation awarded, as required by Sec. 54-214 of the Connecticut General Statutes."

5. On April 27, 1981, an employee of the respondent added the following subscription to the complainants' letter and returned it to them: "We have received the above request and formally refuse to comply. (signed) Krin K. Mathieu, Business Service Officer I, Criminal Injuries Comp. Bd."

6. It is found that other than the oral denial described in paragraph 2, above, and the written denial described in paragraph 5, above, the respondent failed to respond to the complainants' requests within four days of such requests.

7. By letter filed with the Commission on May 26, 1981, the complainants asserted that the respondent violated their right to access to public records under the Freedom of Information Act.

8. Prior to submitting their written request on April 27, 1981, the complainants had obtained and examined the Second Annual Legislative Report of the Criminal Injuries Compensation Board for 1980.

9. That annual report to the legislature does not contain the names of the applicants for compensation, but refers to such applicants by means of case file numbers.

10. It is found that the case file numbers contained in the respondent's annual report are coded to names of applicants in the files of the respondent so that the applicants described are readily identifiable by reference to such files.

11. The respondent contends that the complainants' request is limited to its annual report, and because that report does not contain the names of the applicant-victims, the respondent need not and cannot comply with their request.

12. It is found that the telephone conversation of April 24, 1981 and the letter delivered to the respondent on April 27, 1981 gave more than adequate notification to the respondent as to what information the complainants desired, and that the respondent fully understood the nature of the complainants' request.

13. It is found that all of the information sought by the complainants, with the exception of identifying names, is contained in the respondent's annual report, and that such names are recorded in the respondent's files.

14. While nothing in §§ 1-19(a) or 1-15, G.S., requires an agency to develop a public record which it does not otherwise possess, these statutes do require that an agency provide access to its records so that the public may obtain requested information contained in such records.

15. It is apparent from the record that the respondent sincerely believed that it should not disclose the names of victim-applicants and that it declined to do so on that basis and not on the basis that the written request could be construed as requiring an annual report that did not exist.

16. It is found that the respondent's files are public records within the meaning of § 1-18a(d) and that the respondent violated §§ 1-19(a) and 1-15, G.S., by not providing the complainants with access to inspect or copy its records containing the information requested.

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


1. The respondent board shall forthwith provide the complainants with access to inspect or copy a complete list of the names of applicants for compensation, with corresponding file numbers, so that such names may be accurately referenced to the information contained in the respondent's annual reports.

2. The Commission believes that a lack of technical precision in the framing of a written request for information does not justify denial of access to public records where the agency clearly understands what is being requested. To require such precision would mean that many citizens would have to retain legal counsel each time they sought access to public records. If public agencies adopted such an extreme position, a fundamental purpose of the Freedom of Information Act would be subverted.



Commissioner Curtis Cofield
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of November 12, 1981.



Mary Jo Jolicoeur
Clerk of the Commission