

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Edward A. Peruta,

FINAL DECISION

Complainant

Docket #FIC83-47

against

November 4, 1983

Chief of Police of the City and
Town of Ansonia,

Respondent

The above captioned matter was heard as a contested case on June 27, 1983 at which time the complainant and the respondent appeared 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 within the meaning of §1-18a(a), G.S.

2. On or about April 5, 1983 the complainant requested in writing access to the respondent's computer terminal screen for the purpose of viewing all computer information regarding himself contained in the so-called South Central Criminal Justice Association's computer system.

3. On April 22, 1983 the complainant received a printout of certain computer-stored records, for which he paid 25¢.

4. By letter of complaint filed with the Commission on April 22, 1983 the complainant alleged that he had been denied direct access to information contained in computer-stored files. The complainant further alleged that he should not have been charged for the print-out, since he had asked only to view the information.

5. The complainant further alleged that the record provided to the complainant had been "altered" through deletions.

6. It is found that a column of "incident codes" had been deleted from the record given to the complainant.

7. It is found that the document provided to the complainant represented what would have appeared on the computer viewing screen, except that incident codes had been deleted.

8. The respondent claims that incident codes are exempted from disclosure by §1-19(b)(3)(C), G.S.

9. It is found that incident codes are numbers used to designate various occurrences, which numbers are used in place of a description when preparing reports or summoning officers.

10. It is found, however, that the respondent failed to prove that the use of numbers to designate occurrences is an investigatory technique within the meaning of §1-19(b)(3)(C), G.S.

11. It is further found that the fact of the use of incident codes is generally known, and that the code numbers themselves are broadcast over dispatch radios throughout the 18 member towns of the South Central Criminal Justice Association.

12. It is therefore concluded that the use of incident codes is not an investigative technique not otherwise known to the general public.

13. It is therefore concluded that the incident codes appearing on computer printouts are not exempted from disclosure by §1-19(b)(C), G.S.

14. It is therefore concluded that the respondent violated §§1-15 and 1-19(a) when it deleted the incident codes from the record supplied to the complainant.

15. §§1-15 and 1-19(a) require access to public records as defined by §1-18a(d) G.S. §1-18a(d), G.S. defines "public records or files" as "any recorded data or information."

16. It is found that the computer terminal display to which the complainant has requested access is not itself a public record within the meaning of §1-18a(d), G.S., but is, rather, a temporary projection of recorded information.

17. It is found that for purposes of §§1-15 and 1-19(a), G.S. records of computer stored data do not include terminal computer screens.

18. §1-19a, G.S., therefore, provides that "[a]ny public agency which maintains its records in a computer storage system shall provide a printout of any data properly identified."

19. It is therefore concluded that the respondent did not violate §§1-15 and 1-19(a), G.S. when it denied the complainant access to its computer terminal.

20. §1-15 provides that "[i]f any copy provided. . . requires a printout or transcription, or if any person applies for a printout or transcription of a public record, the fee shall not exceed the cost thereof to the public agency."

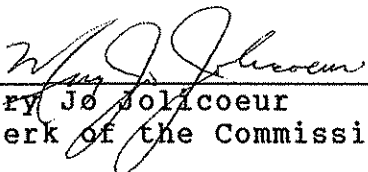
21. Since providing the complainant with access to the requested information required a printout, the respondent was entitled to impose a fee not in excess of the cost of such printout.

22. It is concluded that the respondent did not violate §1-15, G.S. by charging the complainant 25¢ for a single page printout of computer-stored records.

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

1. The respondent shall forthwith provide the complainant with a complete printout of the computer stored records relating to him, including references to incident codes.

Approved by order of the Freedom of Information Commission at its regular meeting of October 26, 1983.



Mary Jo Policoeur
Clerk of the Commission