## FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION George Searle,

Complainant

Docket #FIC83-198

against

March 14, 1984

Connecticut State Ombudsman, Department on Aging,

Respondent

The above captioned matter was heard as a contested case on December 6, 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:

- The respondent is a public agency within the meaning of  $\S1-18a(a)$ , G.S.
- By letter dated August 31, 1983 the complainant made a request of the respondent for records relating to the "Lescynski-Searle incident of August 7, 1983."
- By letter dated September 6, 1983 the respondent denied the complainant's request for records.
- By letter of complaint filed with the Commission on September 29, 1983, the complainant appealed the denial of his request.
- At hearing, the respondent moved to strike the complaint on the ground that the records sought were not public records pursuant to §46a-16(c), G.S.
  - §46a-16(a), G.S. provides as follows:

The commissioner [on aging] upon receiving a report that an elderly person allegedly is being, or had been, abused, neglected, exploited or abandoned, or is in need of protective services shall cause a prompt and thorough evaluation to be made, through the appropriate regional ombudsman, to determine the situation relative to the condition of the elderly person and what action and service, if any, are required. The evaluation shall include a visit to the named elerly person and consultation with those individuals having knowledge of the facts of the particular Upon completion of the evaluation of each case, written findings shall be prepared which shall include recommended action and a determination of whether protective services are needed.

The person filing the report shall be notified of the findings, upon request.

7. §46a-16(c), G.S. provides as follows:

Neither the original report nor the evaluation report of the regional ombudsman shall be deemed a public record or be subject to the provisions of §1-19. The name of the person making the original report or any person mentioned in such report shall not be disclosed unless the person making the original report specifically requests such disclosure or unless a judicial proceeding results therefrom.

- 8. It is found that the "original report" in the "Lescynski-Searle incident" was filed by the complainant, and that the complainant has a copy of such report. The only other record in the respondent's possession relating to such incident is an "internal file" containing the ombudsman's evaluation report.
- 9. It is found that the evaluation report is exempted from disclosure by §§46a-16(c) and 1-19(a). G.S.
- 10. At hearing, the respondent agreed to send a letter to the complainant reflecting the results of the investigation of his report.

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.

Approved by order of the Freedom of Information Commission at its regular meeting of March 14, 1984.

Mary Jo Jolicoeur

Clerk of the Commission