

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Sharif B. Ahmed

FINAL DECISION

Complainant

Docket #FIC 84-123

against

December 20, 1984

Department of Social Services,
General Assistance Program,
City of Hartford

Respondent

The above captioned matter was heard as a contested case on September 14, 1984 at which time the complainant and the respondent appeared, stipulated as 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 within the meaning of §1-18a(a), G.S.
2. On June 21, 1984 the complainant made a request to Mr. Henry Ora, Deputy Director for Fraud Investigation, City of Hartford General Assistance Program, to inspect and copy his personal welfare file.
3. On June 21, 1984, Mr. Ora denied the complainant's request to inspect and copy his file.
4. By letter filed with the Commission on July 10, 1984, the complainant appealed the denial of his request.
5. Mr. Ora stated that the respondent was in possession of two files on the complainant, a general welfare file and a fraud investigation file. Mr. Ora stated that he understood the complainant to be requesting only the fraud investigation file.
6. It is found that the complainant requested his complete welfare file from the respondent and that the respondent is in possession of a general welfare file and a fraud investigation file.

7. The respondent moved to dismiss the complaint for lack of jurisdiction on the grounds that the complainant did not exhaust his administrative appeals within the Department of Social Services.

8. Under §1-21i(b), G.S., any person denied the right to inspect or copy records may appeal the denial to the Commission. There is no statutory requirement that administrative remedies must be exhausted prior to appealing to the Commission.

9. The respondent claims that, under §1-19(a), G.S., the complainant did not have the right to inspect and copy the requested records because they are governed by §17-83, G.S.

10. Section 17-83(b), G.S., provides that no one shall disclose a list of names of, or information concerning, welfare recipients. The purpose of §17-83, G.S., is to protect the privacy of the individual recipients and applicants.

11. The privacy of the complainant is not breached by providing him with a copy of his own file.

12. It is therefore concluded that the respondent has failed to show that any state statute prohibits the disclosure of the information sought.

13. The respondent claims that it may not release the requested records pursuant to Section XXII of the Policy Manual for the Administration of General Assistance of the Connecticut Department of Income Maintenance.

14. It is concluded that policy manuals of state agencies do not supersede the requirements of §§1-15 and 1-19(a), G.S.

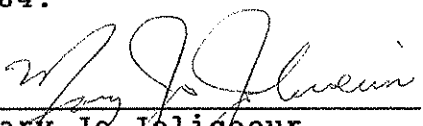
15. It is concluded that the respondent violated §§1-15 and 1-19(a), G.S., by denying the complainant the right to inspect and copy his welfare file.

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 copy of his general welfare file and his fraud investigation file.

2. As the complainant is indigent, the respondent shall waive the fee provided for in §1-15, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of December 12, 1984.


Mary Jo Jolicœur
Clerk of the Commission