

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Cecilia Merrow

FINAL DECISION

Complainant

Docket #FIC84-220

against

August 14, 1985

Department of Children
and Youth Services

Respondent

The above captioned matter was heard as a contested case on February 6, 1985 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 section 1-18a(a), G.S.
2. By letter received by the Commission October 10, 1984, the complainant alleged that on September 17, 1984 she requested the names and addresses of persons who filed complaints against her with the respondent agency.
3. On September 17, 1984, the complainant wrote to the respondent department requesting the names and addresses of persons filing complaints against her which led to neglect proceedings in Juvenile Court.
4. The names were not provided.
5. The respondent claimed that the material was exempt under §1-19(b)(10), G.S. when read in conjunction with §17-38a, G.S. and under §1-19b(b), G.S.
6. §1-19(a) and §1-19(b)(10), G.S. provide that records may be exempted from disclosure by state statute.

7. §17-38a, G.S. which sets forth procedures to protect children from abuse provides in relevant part that:

The Commissioner of Children and Youth Services shall maintain a registry of the reports received pursuant to this section. The information in the reports and any other information relative to child abuse, wherever located, shall be confidential subject to such regulations governing their use and access as shall conform to the requirements of federal law or regulations (emphasis provided).

8. The names and addresses sought by the complainant herein contained allegations which, after some investigation, led to the institution of neglect proceedings in Juvenile Court.

9. It is found that the names and addresses sought by the complainant are exempt from disclosure under §17-38a, G.S.

10. Since the subject records are exempt from disclosure under §17-38a, G.S., it is not necessary to decide the respondent's claim under §1-19b(b), 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.

Approved by order of the Freedom of Information Commission at its regular meeting of August 14, 1985.



Mary Jo Jolicoeur
Clerk of the Commission