

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Norman D. Schussler,

FINAL DECISION

Complainant

Docket #FIC85-50

against

August 14, 1985

Superintendent of Schools
of the Town of Columbia

Respondent

The above captioned complaint was heard on May 24, 1985 in conjunction with FIC85-63, Norman D. Schussler v. Superintendent of Schools of the Town of Columbia, 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 February 25, 1985 the complainant made a request, in person, for minutes of the Columbia board of education.

3. By letter of complaint filed with the Commission on February 26, 1985 the complainant alleged that upon making his request for minutes he was told by the respondent that such a request must be made in writing and that the respondent had four days to respond. The complainant alleged that the respondent's response violated the Freedom of Information Act.

4. The respondent claims that on the date of the complainant's request for records the respondent was without secretarial assistance and was occupied with pressing business which prevented him from accomodating the complainant immediately. The respondent claims that when the complainant insisted upon immediate access the respondent replied that he had up to four days to comply with the request.

5. On February 27, 1985 the respondent's secretary contacted the complainant to tell him that the records requested were available.

6. The respondent's office hours are 9:00 a.m. to 4:00 p.m. Monday through Wednesday, during which times records are

available. The respondent's secretary works 9:00 a.m. to noon, Monday through Wednesday.

7. The complainant claims that he requested access to inspect records and the respondent claims that he understood the request to have been for copies of records.

8. The letter of request submitted to the respondent on February 25, 1985 did not specify whether inspection or copies were being requested, but an additional request, submitted on February 26, 1985, specifically asked for a copy of minutes of a meeting of the board of education. There was no indication at hearing that the issue of whether the complainant wanted inspection or copies was directly addressed by the parties in the course of their contact.

9. On February 27, 1985 the respondent's secretary telephoned the complainant to tell him that copies of the requested minutes were available. The fact that the respondent had minutes copied and waiting for the complainant confirms his claimed understanding of the complainant's request.

10. It is found that nothing in the Freedom of Information Act permits a public agency to require a written request for access to inspect public records. The respondent's insistence that the complainant make a written request for copies of records, however, is permitted by the language of §1-15, G.S.

11. It is found that the facts presented at hearing indicated that there was a misunderstanding between the complainant and the respondent regarding the nature of the complainant's complaint, but do not support a finding of a violation of §1-15 or §-19(a), G.S.

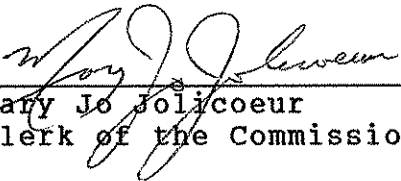
12. It is noted that the respondent's statement that he had up to four days to provide access to the minutes requested was not an accurate statement of the law. Both §1-15 and §-19(a), G.S. require prompt access to records. §1-21i(a), G.S. merely provides that a failure to comply within four business days shall be deemed to be a denial of the right to inspect or copy records.

13. Considering the limited staffing and business hours of the respondent's office and the fact that the respondent was, at the time of the complainant's request, unusually busy, it is found that the complainant was provided with prompt access to the requested minutes.

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.
2. The Freedom of Information Commission urges that the minutes of the board of education be filed with the town clerk in order to make the minutes more accessible to the public.

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



Mary Jo Jolicoeur
Clerk of the Commission