

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Joan Coe

FINAL DECISION

Complainant

Docket #FIC 85-72

against

August 14, 1985

Cultural and Recreational  
Department of Simsbury  
and the Town of Simsbury

Respondent

The above captioned matter was heard as a contested case on June 20, 1985 at which time the complainant and the respondent appeared, stipulated 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 section 1-18a(a), G.S.
2. By a letter dated April 13, 1984, addressed to the director of the respondent department, the complainant requested copies of the entire contents of her personnel file.
3. Shortly thereafter, the complainant received the contents of her file, except for what she characterized as a "letter of reprimand" from the respondent department and a "letter of commendation" for her performance at a New England Regional Conference which the complainant believed should have been in the file.
4. On August 9, 1984 the complainant again sent a letter to the director of the respondent department requesting copies of the two missing documents.
5. In a letter dated August 10, 1984, the first selectman of the respondent town informed the complainant that the requested "letter of reprimand" and "letter of commendation" did not exist in the respondent town's files.

6. By letter dated February 19, 1985 addressed to the director of the respondent department, the complainant again requested copies of documents from her personnel file, including the "letter of reprimand" and the "letter of commendation."

7. On February 21, 1985 the director again informed the complainant that the so called letters of "reprimand" and "commendation" could not be located in the respondent town's files.

8. On February 21, 1985 the complainant again wrote to the director, this time requesting copies of all accident reports resulting from people falling on the respondent town's platform tennis courts from September 1983 to April 1984.

9. In reference to the complainant's February 21, 1985 request, she was given a copy of one accident report. Members of the respondent department indicated that no other accident reports existed in the files for the period requested.

10. By a letter of complaint filed with the Commission on March 12, 1985 the complainant appealed the respondents' failure to provide her with the letters and accident reports she requested. The complainant requested the imposition of a civil penalty against the respondents.

11. In a letter mailed on June 7, 1985 and received on June 17, 1985, the respondents sent the complainant copies of the so called letters of "reprimand" and "commendation" which the complainant had requested.

12. At the hearing on this matter, the parties agreed that the denial of access to the letters of "reprimand" and "commendation" was no longer at issue since they had been provided by the respondents.

13. The question of the timeliness of the respondents' providing the letters to the complainant and the failure of the respondent to provide more than one accident report remained at issue.

14. The respondents moved to dismiss the complaint, based on the complainant's failure to submit her complaint within the thirty day period prescribed by §1-21i(b), G.S.

15. The respondent contended that the period for the filing of this complaint under §1-21(i)b, G.S., elapsed thirty days after the respondents' reply to the complainant's requests in April and August of 1984, not upon the respondents' reply to the complainant's request for the records on February 19 and February 21 of 1985. Consequently, the respondents claimed that the Commission lacks jurisdiction.

16. It is found that nothing in the Freedom of Information Act prohibits the renewal of a request for public records.

17. It is therefore concluded that the complaint of March 12, 1985 was filed in a timely fashion based on the requests for records from the complainant dated February 19, 1985 and February 21, 1985.

18. It is further concluded that by failing to promptly provide the complainant with the requested letters of "reprimand" and "commendation", the respondents committed a technical violation of §§1-19(a) and 1-15, G.S.

19. It is found that the complainant submitted to the respondents accident reports that would fall within the purview of the request of February 21, 1985.

20. It is also found that the complainant failed to prove that the requested accident reports, with the exception of the one provided her, remained in existence at the time of her request.

21. It is therefore concluded that the respondents did not violate §§1-19(a) and 1-15 with respect to the complainant's request for copies of accident reports.

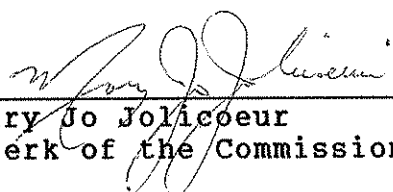
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. Since all known records requested by the complainant have been found, no further remedial order is appropriate.

2. The respondent is urged to use its best efforts in maintaining an organized filing system to allow for the prompt recovery of public records.

3. The Commission notes and commends the respondent for its good faith effort to locate missing documents and to attempt to organize its files so as to better respond to requests for documents under the Freedom of Information Act.

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

  
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Mary Jo Jolicœur  
Clerk of the Commission