

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Virginia Bonanno,

Complainant

against

Docket #FIC 85-162

Department of Income Maintenance
of the State of Connecticut,

Respondent

June 11, 1986

The above-captioned matter was heard as a contested case on October 14, 1985, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint. By agreement at hearing this file was redesignated #FIC 85-162 Virginia Bonanno vs. Commissioner of Income Maintenance.

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. By letter filed with this Commission on July 26, 1985, the complainant asserted that she had been denied copies of records.
3. By letter mailed to the custodian of records of the department of income maintenance, on June 18, 1985, the complainant sought the following copies:
 - (a) all checks, copies of checks, or other documents submitted by her;
 - (b) all statements made by her which had been electronically or mechanically transcribed;
 - (c) all notes, memoranda, or reports compiled by the agency concerning the complainant;
 - (d) all rules and regulations pertaining to the transfer of assets in relation to applications for medicaid or income maintenance.

4. On July 8, 1985, the respondent denied requests (a), (b), and (c), although it provided records which had been submitted to it by the complainant and provided copies of records in accordance with (d).

5. The respondent claimed that the records not provided are exempt from disclosure under §1-19(b)(10) because they are exempt under state statute §17-83, G.S. and also under federal law, 42 U.S.C. § 1396a(a)(7) and 42 C.F.R. §§ 431.300 through 431.307.

6. Early in 1985 the mother of the complainant had applied for Title XIX assistance and was denied.

7. The complainant had represented her mother in making this application.

8. Thereafter, still represented by her daughter, complainant's mother had a fair hearing on respondent's denial of assistance at the complainant's home on July 31, 1985.

9. Thereafter, October 7, 1985, the hearing officer upheld the department decision.

10. Section 17-83 , G.S., in Chapter 302 of the General Statutes which contains statutes dealing with public assistance provides in relevant part:

No person shall, except for purposes directly connected with the administration of this chapter,...solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of...any information concerning, persons applying for or receiving assistance under this chapter, directly or indirectly derived from the records, papers, files or communications of the state or its subdivisions or agencies, or acquired in the course of the performance of official duties.

11. Respondent maintains that §17-83, G.S., does not prohibit it from returning to the complainant herein the records which concern her only and which had been supplied by her to the department.

12. Respondent claims, however, that any other records which the department has obtained, or developed concerning the eligibility of the respondent's mother for assistance are exempt under §17-83.

13. It is found that §17-83, G.S. makes the content of files concerning applicants for public assistance exempt from disclosure under §1-19(a) and 1-19(b)(10), G.S., so that the respondent is not required to treat the contents of her mother's application for assistance as a public record.

14. The foregoing conclusion is not to be read as preventing the complainant from obtaining access to information concerning herself, which is contained in the records constituting her mother's application for public assistance, under §4-190, G.S. et seq.

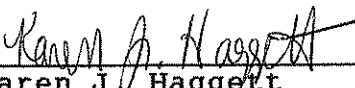
15. It is further found that the respondent has no electronically or mechanically transcribed statements made by the complainant.

16. Based upon the foregoing conclusions of law and fact, it is not necessary to determine herein, whether the records sought by the complainant are barred from disclosure by the federal law cited by the respondent.

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 June 11, 1986.



Karen J. Haggett
Clerk of the Commission