

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
William J. McMahon,

FINAL DECISION

Complainant

Docket #FIC85-167

against

January 3, 1986

Bridgeport City Comptroller  
of the City and Town of  
Bridgeport,

Respondent

The above captioned matter was heard as a contested case on October 29, 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 comptroller is a public agency within the meaning of §1-18a(a), G.S.

2. By letters dated July 9, 1985 the complainant made requests of the respondent comptroller for the following information:

a) The source of funding for Thomas S. Corso, special assistant to the mayor for economic development;

b) The ultimate source, account number and title from which funds were coming for a series of ads called "Bridgeport: A City on the Move";

c) A copy of the adopted budget for fiscal year 1985-1986, including a departmental line item breakdown.

3. By letter of complaint filed with the Commission on July 29, 1985 the complainant appealed the respondent's failure to respond to his requests.

4. Prior to the date of hearing the complainant obtained a copy of the city budget for 1985-86 from the office of the respondent comptroller.

5. The respondent comptroller claims, with respect to paragraphs 2(a) and 2(b), above, that the information requested did not exist in an accessible recorded form and that to respond to the complainant's inquiry would have required research and the creation of a document.

6. The respondent comptroller claims that the complainant would have been free to review the documents necessary to obtain the information requested and that no attempt was made to deny the complainant access to such records.

7. It is found that the Freedom of Information Act does not require a public agency to provide information that does not exist in a recorded form, nor does it require the creation of records.

8. However, the fact that the requested information was not recorded in a single document did not relieve the respondent of the responsibility of responding to the complainant's request. The information was contained in the respondent's files and could have been obtained by the complainant through an examination of the respondent's records.

9. It is found that the respondent's failure to respond to the complainant's inquiry denied the complainant access to records, in violation of §§1-19(a), G.S.

10. It is found that a line item breakdown of the budget was available in early September, 1985. The breakdown was a computerized record, but a 500-page print-out of the information was created. The complaint was not advised of the existence of the record until the date of hearing.

11. The respondent claims that it did not advise the complainant of the existence of the record or otherwise offer him access to it because the respondent wanted to review the document for accuracy and wanted to investigate the costs of offering copies. The respondent determined that the cost of the use of the computer was \$430 per hour.

12. Neither the complainant's desire to review the budget document for accuracy nor his concern regarding copying costs is a proper purpose for withholding a document under the Freedom of Information Act.

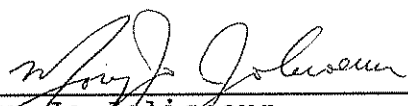
13. It is concluded that the respondent violated §§1-15 and 1-19(a), G.S. when it failed to respond promptly to the complainant's request for copies of the budget breakdown.

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 access to inspect and copy the 500-page budget document referred to at paragraph 10 of the findings, above.

2. The respondent shall forthwith provide the complainant with access to inspect records relating to funding for the position of special assistant to the mayor for economic development and to funding for advertisements in the series entitled Bridgeport: A City on the Move.

Approved by order of the Freedom of Information Commission at its special meeting of January 3, 1986.

  
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Mary Jo Jolicœur  
Clerk of the Commission