

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Stanley V. Tucker

FINAL DECISION

Complainant

against

Docket #FIC 85-216

Department of Income Maintenance  
of the State of Connecticut

Respondent

February 26, 1986

The above captioned matter was heard as a contested case on January 23, 1986 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 §1-18a(a), G.S.

2. On October 16, 1985, the complainant orally requested of the respondent any records concerning a missing rental check for a public assistance recipient by the name of Zoraida Estrada. At the time the complainant made his request, he presented the respondent with a copy of a lease agreement which authorized the assignment of rents to him and a letter dated October 9, 1985 allegedly signed by Zoraida Estrada authorizing the respondent to answer any questions regarding the check in question.

3. From the denial of access to the requested information, the complainant appealed to the Commission by complaint filed on October 18, 1985.

4. At the hearing the complainant and respondent agreed that on October 16, 1985, the complainant's request was denied because of a departmental policy not to disclose any information to a third-party concerning persons receiving public assistance without first obtaining that recipient's consent to release such information.

5. The respondent claims that the requested information is exempt from disclosure under §§17-83(b), G.S., 42 U.S.C. §602(a)(9) and 45 CFR §205.50.

6. §17-83(b), G.S., provides in pertinent part:

(b) No person shall, except for purposes directly connected with the administration of this chapter and in accordance with the regulations of the commissioner, solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or 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...

7. It is concluded that the requested records are exempt from mandatory disclosure under §1-19(a), G.S., by operation of the non-disclosure provisions of §17-83(b), G.S., set forth in paragraph 6, above.

8. In view of the statutory exemption of the records in question, the Commission need not address the other bases for non-disclosure raised by the respondent, such as the federal regulations prohibiting disclosure.

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 Commission notes that although the requested records are exempt from mandatory disclosure there is a procedure by which such information can be obtained by the complainant.

Approved by order of the Freedom of Information Commission at its regular meeting of February 26, 1986.

  
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Karen J. Haggitt  
Clerk of the Commission