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FREEDOM OF INFORMATION



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James Findley,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-615

Director, Housing Authority, Town of Mansfield;
and Housing Authority, Town of Mansfield,
Respondent(s)

June 5, 2012

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, June 27, 2012**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 15, 2012**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE June 15, 2012**. PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE June 15, 2012**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: James Findley
Director, Housing Authority, Town of Mansfield
Housing Authority, Town of Mansfield

2012-06-05/FIC# 2011-615/Trans/wrbp/KKR//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

James Findley,

Complainant

against

Docket #FIC 2011-615

Director, Housing Authority,
Town of Mansfield, and Housing
Authority, Town of Mansfield,

Respondents

March 5, 2012

The above-captioned matter was heard as a contested case on February 23, 2012, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

1. The respondents are public agencies, within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated October 1, 2011, the complainant requested from the respondents copies of:
 - (a) written "telephone logs" compiled by Director Rebecca Fields during the time period from January 1, 2011 through September 30, 2011; and
 - (b) Wrights Village numbered "maintenance request" tickets compiled by the MHA office during the time period from January 1, 2011 through April 30, 2011.
3. It is found that, by letter dated October 6, 2011, the respondents informed the complainant that "the documents you requested are ready for your review" and that if he required "copies of any of the documents, the cost is .50 per page."
4. It is found that, on October 12, 2011, the complainant obtained the records, described in paragraphs 2(a) and 2(b), above, from the respondents, but upon review, discovered that the respondents had redacted certain information from such records. By letter dated October 24, 2011, the complainant informed the respondents that the redactions were not acceptable to him, and again, requested unredacted copies of the records, described in paragraphs 2(a) and 2(b), above.

5. It is found that, by letter dated October 31, 2011, the respondents informed the complainant that they would provide him with an unredacted copy of the record, described in paragraph 2(b), above, but would not provide him with an unredacted copy of the record, described in paragraph 2(a), above.

6. By letter of complaint, dated November 9, 2011 and filed November 10, 2011, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (FOI) Act by failing to comply with the request for records described in paragraph 2(a), above.

7. It is found that the complainant received an unredacted copy of the record, described in paragraph 2(b), above, on November 21, 2011.

8. Section 1-200(5), G.S., provides:

“Public records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

9. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with section 1-212.

10. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

11. At the hearing in this matter, the respondent director argued that the record, described in paragraph 2(a), above, is not a public record, because it is not a “telephone log,” despite the complainant’s characterization of the document as such, but rather, is a record of her own personal notes concerning her work. According to the respondent director, she uses the record, described in paragraph 2(a), above, throughout the day, as a

memory aid to help her to recall work-related appointments that she may have scheduled, work-related conversations or other work-related events that she may need to reference in the future.

12. It is found that the record described in paragraph 2(a), above, is a public record within the meaning of §§1-200(5), 1-210(a) and 1-212(a).

13. At the hearing in this matter, the respondents claimed no exemption for the redactions made in the record, described in paragraph 2(a), above, other than the broad claim that the entire record is exempt because it is not a public record. It is found that such redactions consist, primarily, of the last names of individuals with whom the complainant had contact during a given day.

14. Accordingly, it is found that the respondents failed to prove that the redacted information in the record, described in paragraph 2(a), above, is exempt from disclosure.

Based upon the foregoing, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., as alleged.

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

1. Forthwith, the respondents shall provide the complainant with an unredacted copy of the record, described in paragraph 2(b), above.



Kathleen K. Ross
as Hearing Officer