

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Debra Dean,

Complainant

against

Docket #FIC 2016-0591

Director, Water Pollution Control
Authority, City of Bridgeport; Water
Pollution Control Authority, City of
Bridgeport; and City of Bridgeport,

Respondents

January 25, 2017

The above-captioned matter was heard as a contested case on October 25, 2016, at which time the complainant and the respondents 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated July 19, 2016, the complainant requested records relating to service performed by the respondents on the sewer pipes associated with her home on Dixon Street in Bridgeport in 2014. The complainant also requested the respondents' contractual responsibility to maintain the sewer system.
3. It is found that the respondents sent a letter and responsive records to the complainant on August 12, 2016. It is found that the respondents also informed the complainant that the contract was 306 pages. It is found that the respondents offered to load the records onto a flash drive.
4. By letter filed August 18, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records she requested.
5. 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, ... whether such data

or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

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, ... or (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.

8. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that after receiving the respondents' letter of August 12, 2016, the complainant continued to correspond with the attorney for the respondents. It is found that the attorney has answered many of the complainant's questions and provided additional records beyond the scope of the complainant's original request.

10. It is found, based on the respondents' witness's testimony, that the respondents conducted a diligent search for responsive records and provided all the responsive records they maintain to the complainant.

11. It is concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 25, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Debra Dean
105 Dixon Street
Bridgeport, CT 06604

Director, Water Pollution Control Authority, City of Bridgeport;
Water Pollution Control Authority, City of Bridgeport;
and City of Bridgeport
c/o Tyisha Toms, Esq.
Office of the City Attorney
999 Broad Street
Bridgeport, CT 06604



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Acting Clerk of the Commission