

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Kenneth W. Mayo; and the Bristol
Press,

Complainants

against

City and Town of Bristol; Water
Department of the City and Town
of Bristol; and Superintendent
of the Water Department of the
City and Town of Bristol,

Respondents

Final Decision

Docket #FIC79-99

November 14, 1979

The above captioned matter was heard as a contested case on October 3, 1979, at which time the complainants 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:

1. The respondents are public agencies as defined by Sec. 1-18a(a), G.S.
2. By letter dated April 19, 1979, the complainants requested of the respondent superintendent a list of the names and addresses of the respondent water department's customers with overdue bills, as well as the amounts owed by such customers.
3. Specifically, the complainants seek access to the foregoing information with respect to those customers who had large overdue bills and who were the subjects of collection notices, prepared by the respondent town's corporation counsel, and sent out by the respondent water department.
4. Having failed to receive a reply to the foregoing request within four business days, the complainants treated such failure as a denial under Sec. 1-21i(a), G.S., and appealed to the Commission by letter filed May 4, 1979.
5. At the time of the complainant's request, no single document or list existed containing only the limited information described in either paragraphs 2 or 3, above.

6. At the time of the complainant's request, however, the information described in paragraph 2, above, did exist on various ledger cards, bills and in a computer storage system that is programmed to print out this and other customer information.

7. It is found that the records described in paragraph 6 above is a public record within the meaning of §§1-18a(d) and 1-19(a), G.S.

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

1. The respondents shall forthwith provide the complainants with access to the records described in paragraph 6 of the above findings, including printouts of any computer stored records containing the information requested by the complainants.

2. The Commission notes that the respondents made no claim of exemption to disclosure with respect to the requested information. Their defense rested solely on the ground that at the time of the request, no one document or list existed containing the limited information sought by the complainants. The information did exist on "raw records" from which it was abstracted and, in fact, was reduced to writing on a separate document by the time of the hearing on this matter.

The resources of the complainants, the respondents and the Commission have been expended needlessly in a situation where candid communication between the parties could well have avoided the time and cost of this appeal. The Commission hopes that in the future, the respondents will not be overly technical in responding to requests for information. Likewise, the Commission hopes that all public agencies will be as helpful as possible in providing access to information contained on public records.

Afterall, this is the intent, spirit and policy of this state as manifested in the Freedom of Information Act.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 14, 1979.


Leslie Ann McGuire
Clerk of the Commission