

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Margaret Dean,

FINAL DECISION

Complainant,

Docket #FIC83-2

against

Commission on Human Rights and
Opportunities of the State of
Connecticut,

January 25, 1984

Respondent,

The above captioned matter was scheduled for hearing April 15, 1983 at which time the parties appeared and presented evidence 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. The complainant is an attorney who represents Judy Giannotti.
3. Prior to engaging the complainant as her attorney, Judy Giannotti filed a complaint with the respondent alleging that she had been unlawfully discriminated against in regard to a discharge from employment.
4. The respondent found that there was lack of sufficient evidence with respect to the allegations of Judy Giannotti.
5. Thereafter on September 21 and October 31, 1982, Judy Giannotti requested copies of documents contained in the investigative file of her case.
6. The Giannotti request was denied by the Assistant Director of the respondent commission on November 16, 1982.
7. On January 19, 1983 the complainant renewed the Giannotti request but limited it to a single item - an affidavit by Ms. Bridget Mohring.
8. On January 25, 1983 the complainant's request was refused by letter; however, the letter indicated that the requested document would be supplied to the source of the document, Ms. Mohring.

9. Thereafter the complainant obtained a copy of the affidavit from Ms. Mohring.

10. On January 31, 1983 the complainant appealed the denial of her request to the Freedom of Information Commission.

11. The respondent moved to dismiss the complaint because the complainant had received a copy of the affidavit.

12. The motion to dismiss is denied because the respondent's refusal to provide the complainant with a copy of the affidavit is the issue herein, not whether Ms. Mohring granted or denied the complainant's request for a copy of the affidavit.

13. The respondent claimed that under §1-19(a) and §46a-83(b), G.S., the record requested by the complainant was exempt from disclosure.

14. §1-19(a), G.S. provides in relevant part that records maintained or kept on file by a public agency are public records except as otherwise provided by state statutes.


15. It is found that §46a-83(b), G.S. is not such a state statute which exempts the requested affidavit from disclosure because the statute provides "the respondent commission may publish the facts in the case in any complaint which has been dismissed."

16. It is therefore concluded the respondent violated the Freedom of Information Act when it failed to provide the complainant with a copy of the affidavit.

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 a copy of the requested record as described in paragraph 7 of the findings, above.

Approved by order of the Freedom of Information Commission at its regular meeting of January 25, 1984.



Mary Jo Jolicoeur
Clerk of the Commission