

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Raymond R. Baginski, Sr.,

FINAL DECISION

Complainant

Docket #FIC83-7

against

July 22, 1983

Town of Southington; Tax
Assessor of the Town of
Southington,

Respondent

The above captioned matter was heard as a contested case on April 14, 1983 at which time the complainant and the respondent assessor appeared 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 January 24, 1983 the complainant made a request of the respondent assessor for access to inspect and copy the building cost schedules used as the basis for the revaluation of property in Southington.

3. By letter dated January 24, 1983 the complainant's request for copies was denied by the respondent assessor on the ground that the schedules were trade secrets exempted from disclosure by §1-19(b)(5), G.S. The letter indicated, however, that the complainant would be free to inspect the schedules in the office of the respondent assessor.

4. By letter of complaint filed with the Commission on January 27, 1983, the complainant appealed the denial of his request for copies of the schedules.

5. At hearing, the respondent assessor indicated that copies of the requested schedules had been denied on the ground that they might have been copyrighted, not because they were trade secrets exempted from disclosure pursuant to §1-19(b)(5), G.S.

6. The respondent assessor also indicated that the records were not copyrighted, and that copies of the schedules were being made available to the public as of February 8, 1983.


7. It is found that the respondent assessor failed to provide the complainant with copies of the schedules promptly upon request as required by §§1-15 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 respondent assessor shall henceforth act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

2. Nothing contained herein shall be construed as commenting upon the effect, of any, of copyrighting upon public access to records pursuant to §§1-15 and 1-19(a),G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of July 13, 1983.



Mary Jo Jolicoeur
Clerk of the Commission