

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Frederic Krupp,

FINAL DECISION

Complainant

Docket #FIC83-90

against

December 23, 1983

Northeast Health District,

Respondent

The above captioned matter was heard as a contested case on September 9, 1983 at which time the complainant and the respondent 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. By letter dated April 18, 1983 the complainant made a request of the respondent for copies of all plans and correspondence related to the "plans of Corson and Kranc for subdivision of Wolf Den Road."

3. By letter dated April 28, 1983 the respondent indicated that the only documents relevant to the complainant's request, current plans regarding Wolf Den Road, were subject to change prior to final approval and would be withheld as draft documents pursuant to §1-19(b)(1), G.S.

4. By letter of complaint filed with the Commission on May 11, 1983 the complainant appealed the denial of his request.

5. As of the date of hearing the plans requested by the complainant were considered outdated, and at hearing the respondent indicated that they would be released to the complainant.

6. It is found that the plans in question were engineering plans submitted to the respondent in connection with an application for approval of a septic system for a subdivision on Wolf Den Road.

7. It is further found that although the plans were in fact revised subsequent to the complainant's request, such plans were not at the time of the complainant's request preliminary drafts or notes within the meaning of §1-19(b)(1), G.S. Rather, the plans were completed documents submitted to the respondent for the respondent's review and comment.

8. It is further found that the respondent failed to prove that the public interest in withholding the documents clearly outweighed the public interest in disclosure, or indeed, that there existed any public interest in withholding such documents.

9. It is concluded that the records in question were not at the time of the complainant's request exempted from disclosure by §1-19(b)(1), G.S. and that the respondent violated §§1-15 and 1-19(a), G.S. when it failed to provide the complainant with access to such records in a timely fashion.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of December 14, 1983.



Mary Jo Jolicœur
Clerk of the Commission