



documents, including brochures from the U.S. Department of Transportation. The respondent continued to maintain that internal operating manuals were not public information, although a ruling on the issue was being requested from the office of the Attorney General.

7. The complainant claims that 42 U.S.C. § 4633 mandates the creation by the Department of Transportation of a brochure describing the land acquisition process and the owner's rights, privileges and obligations thereunder and that §8-273, G.S., requires the establishment of regulations and procedures for the implementation of relocation assistance and land acquisition by state agencies.

8. By letter dated December 19, 1984 the respondent advised the complainant that pursuant to a ruling from the office of the Attorney General, division policy manuals would be made available for examination. The respondent also indicated that he would discuss the manuals with the complainant if questions arose.

9. It is found that the Department of Transportation does not prepare its own relocation brochures, rather, it uses those prepared by the federal government.

10. It is found that this Commission is without authority to require the Department of Transportation to create the documents allegedly mandated by 42 U.S.C. §4633 and §8-273, G.S.

11. It is found that the respondent violated §§1-15 and 1-19(a), G.S. when he denied the complainant access to policy manuals.

12. With the exception of the internal manuals which were initially withheld, the complainant has been offered access to whatever records the Department of Transportation maintains with respect to land acquisition and relocation and has, in fact, received copies of over 40 pages of documents.

13. The complainant claims, however, that the records offered are voluminous and are not compiled in a form which would allow him easy access to information. The complainant maintains that the respondent should have the requested information available in a condensed form.

14. It is found, however, that under the Freedom of Information Act the respondent is required to make records available, but is not required to prepare reports or condense information as requested by the complainant.

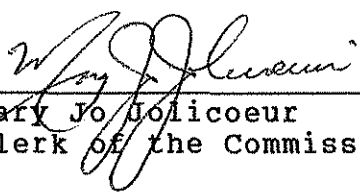
15. It is concluded that the fact that the information sought by the complainant does not exist in a form which he feels is satisfactory does not constitute a violation of §§1-15 or 1-19(a), G.S.

16. The complainant's request for the imposition of a civil penalty is hereby denied.

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., regarding access to public records.

Approved by order of the Freedom of Information Commission at its regular meeting of April 10, 1985.

  
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Mary Jo Dolicoeur  
Clerk of the Commission