



COMPLAINTS FILED WITH FREEDOM OF INFORMATION COMMISSION

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FOIC COMPLAINTS

Any person who believes a public agency has violated the Freedom of Information Act may file a complaint with FOIC. The commission generally must adjudicate the complaint within one year after it is filed but under certain circumstances must expedite this process (see OLR Report [2007-R-0233](#) for information on expedited hearings).

FOIC may confirm the agency's action or order the agency to provide relief that the commission, in its discretion, believes appropriate to rectify the matter ([CGS § 1-206\(b\)](#)).

Generally, under FOIA, a "public agency" is any (1) state, municipal, regional, or quasi-public agency, including any judicial office, or (2) entity that is the functional equivalent of such agencies ([CGS § 1-200\(1\)](#)).

ISSUE

Provide the following data concerning complaints filed with the Freedom of Information Commission (FOIC) from 2013-2015: (1) number of complaints filed, (2) number of complaints resolved before a hearing, (3) disposition of complaints that proceeded to a hearing, and (4) number of complaints found to be frivolous. For each of these items, include data specific to municipal respondents.

Additionally, (1) what is the commission's FY 17 budget and (2) is it based on the number of complaints it receives?

SUMMARY

Tables 1 and 2 (number of complaints), 3 (complaints resolved before a hearing), and 4 and 5 below (disposition of complaints that proceed to a hearing) show data for the first three items listed above. For the fourth item, complaints found to be frivolous, the law allows the commission to dismiss a complaint without a hearing if its executive director believes that the complaint (1) presents a claim beyond the commission's jurisdiction, (2) would perpetrate an injustice, or (3) would constitute an abuse of the commission's administrative process. Complaints disposed of in this manner are shown under "Commission Voted Not to Schedule" in Table 3. The data in the tables were provided by FOIC.

Each table also provides data specific to municipal respondents. These include complaints against municipal agencies and boards (e.g., the municipal police department or board of education), individual municipal officials (e.g., the chief of police or school superintendent), and regional entities and officials (e.g., regional school districts).

FOIC's FY 17 appropriation is \$1,481,416 according to the [FY 17 Budget Revisions](#), published by the Office of Fiscal Analysis (OFA). Like most state agencies, the commission's budget is funded from the General Fund and is established during the appropriations process. According to OFA, there is no formula or other metric that is used to determine the commission's appropriation.

NUMBER OF COMPLAINTS FILED

Table 1 shows the number of complaints filed with FOIC from 2013-2015, including the number and percentage filed against municipal respondents. Table 2 shows a breakdown of the number and percentage of complaints that were resolved without a hearing compared with the number and percentage that proceeded to a hearing.

Table 1: Number of Complaints Filed with FOIC, 2013-2015

	2013	2014	2015
Overall	810	941	899
Municipal Respondent	381	412	431
Percentage With Municipal Respondent	47.0%	43.8%	47.9%

Table 2: FOIC Hearings, 2013-2015

		2013	2014	2015
Complaints Resolved Without Hearing	Overall	579 (71.5%)	708 (75.2%)	658 (73.2%)
	Municipal Respondent	263 (69.0%)	279 (67.7%)	301 (69.8%)
Complaints that Proceed to a Hearing	Overall	231 (28.5%)	233 (24.8%)	241 (26.8%)
	Municipal Respondent	118 (31.0%)	133 (32.3%)	130 (30.2%)
Total	Overall	810	941	899
	Municipal Respondent	381	412	431

COMPLAINTS RESOLVED WITHOUT HEARING

Table 3 shows, for complaints that did not proceed to a hearing, the number and percentage for each type of resolution: withdrawn through mediation, defect in complaint, or commission voted not to schedule (see SUMMARY above).

Table 3: FOIC Complaints Resolved Without Hearing, 2013-2015

		2013	2014	2015
Withdrawn Through Mediation	Overall	331 (57.2%)	454 (64.1%)	425 (64.6%)
	Municipal Respondent	185 (70.3%)	159 (57.0%)	213 (70.8%)
Defect in Complaint	Overall	187 (32.3%)	210 (29.7%)	188 (28.6%)
	Municipal Respondent	72 (27.4%)	113 (40.5%)	80 (26.6%)
Commission Voted Not to Schedule	Overall	61 (10.5%)	44 (6.2%)	45 (6.8%)
	Municipal Respondent	6 (2.3%)	7 (2.5%)	8 (2.7%)
Total	Overall	579	708	658
	Municipal Respondent	263	279	301

COMPLAINTS THAT PROCEEDED TO HEARING

Table 4 shows, for complaints that proceeded to a hearing, the number and percentage (1) that were dismissed after a hearing or (2) for which a Freedom of Information Act (FOIA) violation was found.

Table 4: Number and Disposition of FOIC Complaints that Proceeded to Hearing, 2013-2015

		2013	2014	2015
Dismissed After Hearing	Overall	152 (65.8%)	169 (72.5%)	161 (66.8%)
	Municipal Respondent	76 (64.4%)	88 (66.2%)	89 (68.5%)
FOIA Violation Found	Overall	79 (34.2%)	64 (27.5%)	80 (33.2%)
	Municipal Respondent	42 (35.6%)	45 (33.8%)	41 (31.5%)
Total	Overall	231	233	241
	Municipal Respondent	118	133	130

Breakdown of Complaints Dismissed After Hearing

Table 5 shows, for complaints that were dismissed after a hearing, the number and percentage that were (1) dismissed on the merits, (2) settled during the hearing, or (3) dismissed because the complainant failed to appear.

Table 5: Breakdown of FOIC Complaints Dismissed After Hearing, 2013-2015

		2013	2014	2015
Dismissed on Merits	Overall	81 (53.3%)	94 (55.6%)	95 (59.0%)
	Municipal Respondent	39 (51.3%)	53 (60.2%)	54 (60.7%)
Settled During Hearing	Overall	41 (27.0%)	49 (29.0%)	40 (24.8%)
	Municipal Respondent	23 (30.3%)	19 (21.6%)	18 (20.2%)
Complainant Failed to Appear	Overall	30 (19.7%)	26 (15.4%)	26 (16.1%)
	Municipal Respondent	14 (18.4%)	16 (18.2%)	17 (19.1%)
Total	Overall	152	169	161
	Municipal Respondent	76	88	89

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