FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Kenneth E. Roswell,)	Report of Hearing Officer
Complainant)	
		Docket #FIC77-196
against)	
		November 23, 1977
State of Connecticut; Department)	
of Health of the State of		
Connecticut; and the Public)	
Health Statistics Section of the		
State of Connecticut,)	
Respondents		
•)	

The above catpioned matter was heard as a contested case on October 31, 1977 at which time the complainant and respondents appeared and presented testimony and argument on the complaint.

After consideration of the entire record the following facts are found:

- 1. The respondent public health statistics section is a subdivision of the respondent department of health which is a public agency within the meaning of §1-18a(a), G.S.
 - 2. The complainant is a genealogist.
- 3. By letter dated September 3, 1977 the complainant requested a copy of a certain death certificate in the records of the respondent department.
- 4. By letter dated September 8, 1977 the respondent public health statistics section refused to mail the requested certificate claiming that the document would be available only if the complainant appeared in person at its offices in Hartford.
- 5. By complaint filed with this Commission on September 30, 1977 the complainant alleged that the aforesaid refusal to supply the requested document by mail was unjustified.
- 6. The complainant subsequently obtained a copy of the requested death certificate by personally visiting the respondent section's offices in Hartford.
- 7. The respondents contended that §7-41a, G.S., which provides in part that "all records of vital statistics including births, marriages and deaths in the custody of ... the state department of health shall be open for research to any member of a legally incorporated genealogy society..." exempted the respondent public health statistics section from having to mail copies of its records to the complainant.

- It is found that §1-15, G.S., confers upon any person a right to obtain copies of public records, in addition to any right conferred upon genealogists by §7-41a, G.S.
- 9. It is further found that a death certificate is a public record within the meaning of \$1-18a(d).
- 10. It is concluded that the respondent department's practice of requiring genealogists to appear at its Hartford office in order to obtain copies of death certificates violates §1-15, G.S., which extends the right to obtain copies to any person, not just persons who can travel to such respondent's Hartford office.

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

Henceforth, the respondent department shall strictly comply with the provisions of the Freedom of Information Act, as codified in Chapter 3 of the General Statutes, by mailing copies of death certificates to persons who request the same in writing and who tender an appropriate fee, rather than requiring such persons to travel to the respondent's Hartford office to obtain the requested copies.

as Hearing Officer

Approved by order of the Freedom of Information Commission on December 19, 1977.

> Charlene C. Arnold Clerk of the Commission Charlene