

**RECORDS REQUEST
PREPAYMENT & INDIGENCY POLICY**



TOWN OF SUFFIELD, CONNECTICUT

Town of Suffield

Freedom of Information Prepayment and Indigency Policy

It is the general policy of the Town of Suffield that its public and non-exempt/privileged records shall be open and available for inspection to the general public except as otherwise provided by State and Federal laws.

Accordingly, except as otherwise provided by any federal law or state statute, all records maintained or kept on file by the various boards, committees, departments or agencies of the Town of Suffield, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with Connecticut General Statutes §1-212(g), or (3) receive a copy of such records in accordance with Connecticut General Statutes §1-212.

Any person applying in writing shall receive a prompt response outlining the time in which it will take to complete the request. During that timeframe said individual will receive a plain, facsimile, electronic or certified copy of any public record. The type of copy provided shall be within the discretion of the public agency, except (1) the agency shall provide a certified copy whenever requested, and (2) if the applicant does not have access to a computer or facsimile machine, the public agency shall not send the applicant an electronic or facsimile copy.

The Town of Suffield shall be entitled to charge a fee for the copying of such requested records. This fee shall be in an amount as provided for by the Freedom of

Information Act (the “Act”) in Connecticut General Statutes §1-211 and §1-212 (including an amount set by statute for Town Clerk records, a set amount not to exceed \$.50 per page for other records or an amount equal to the hourly salary attributed to all agency employees engaged in providing requested computer-stored public record, including their time performing the formatting or programming functions necessary to provide the copy as requested as provided by the terms of the Act). All amounts must be pre-paid prior to the completion of the request. With respect to body camera footage retained by the Suffield Police Department, the fee shall also include all time associated with electronically redacting images and personal identifiable information.

Pursuant to the provisions of Connecticut General Statutes §1-212(d) the Town of Suffield shall waive the allowed fees when the person requesting the records is an “indigent” person. The ‘FOI Act’ does not define the term “indigent”¹ nor does it set forth the terms and conditions of any specific ‘Indigency Policy’. Instead, it has been left to the local public agencies to develop their own such policies. Accordingly, the Town of Suffield has adopted the following policy as it applies to a person requesting copies of records under the Freedom of Information Act and who seeks to be declared ‘indigent’ for the purpose of obtaining a waiver of the copy fees. Any person seeking to be declared ‘indigent’ for these purposes shall be required to fill out and attest under oath to an Affidavit of Indigency upon a form provided by the Town.

¹The FOI Commission has recognized the following working definition of the term ‘indigent’: *“In a general sense, one who is needy and poor, or one who has not sufficient property to furnish him a living nor anyone able to support him to whom he is entitled to look for support. Term commonly used to refer to one’s financial ability, and ordinarily indicates one who is destitute of means of comfortable subsistence so as to be in want”* (Black’s Law Dictionary, 5th Edition).

I. Indigency:

A person shall be deemed to be 'indigent' for the purpose of receiving free copies of public records if they meet the following standard:

A. General Public: A member of the General Public shall be considered to be 'indigent' if such person (1) has total income, after payment of all applicable taxes, of equal to or less than One Hundred and Twenty Five (125%) Percent of the Federal Poverty Level (FPL); AND (2) has total assets, real and personal, on hand and available at the time of the application and for the Six (6) months preceding the application of less than Two Thousand, Five Hundred (\$2,500) Dollars.

B. Inmates:

A person who is incarcerated at the time of filing a request for records shall be considered to be 'indigent' if such person has in his or her inmate trust account, or any other known account, an amount that has not equaled or exceeded Five (\$5) Dollars at any time (1) during the Ninety (90) Days immediately preceding the receipt by the Town of the request for records and (2) during the days preceding the date on which the request for records is fulfilled (up to a maximum of Ninety (90) days after the date of the request).

II. Affidavit of Indigency:

A person who is applying for a waiver of the copying fees must fill out an Affidavit of Indigency on a form provided by the Town Clerk's Office. The Applicant must sign this Affidavit under oath, subject to the fines and penalties for signing a false statement.

Any person who refuses to sign such Affidavit under oath shall forfeit their right to receive the FOI records fee waiver.

In signing this Affidavit the applicant must also aver that the requested records are for their own personal use and that the request is not being made in whole or in part for the benefit or use of a third party. If an Applicant violates this provision they shall forfeit their right to apply for free records for a period of Six (6) Months and be subject to a Fine of Ninety Nine (\$99) Dollars.

III. Limitations:

A limit of Three Hundred (300) Free Pages, or its equivalent value, shall be placed on any request for free records during any Forty Five (45) Day period next preceding the date of the current request.

IV. Administration of Policy:

All Indigency Applications shall be submitted to and processed by the Town Clerk's Office with the assistance of the Town Counsel's office as may be needed. Final decisions made by the Town Clerk's Office may be appealed by the applicant to the Freedom of Information Commission.

This Policy has been adopted and approved by the Suffield Board of Selectman on April 20, 2022. It shall go into effect upon passage as shall be amended from time to time.