FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Joseph Dubitsky, Complainant	)	Final Decision
against	)	Docket #FIC78-148
Town of West Hartford; Board of Education of the Town of West Hartford and Superintendent of Schools of the Town of West Hartford, Respondents	)	September 13, 1978

The above captioned matter was heard as a contested case on August 17, 1978, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. On July 19, 1978, the complainant requested from the respondent superintendent the salaries and fringe benefits of all school administrators, coordinators and teachers for fiscal years 1977-1978 and 1978-1979.

3. The respondents provided the complainant only with the salary ranges of the requested personnel.

4. The complainant thereafter filed this appeal with the Commission on July 24, 1978 asserting his right to the exact salaries and fringe benefits under the Freedom of Information Act.

5. The respondents are willing to disclose the salaries of the superintendent and assistant superintendent of schools.

6. Because the requested fringe benefits can be derived from the exact salaries received by the requested personnel, both parties narrowed the issue to disclosure of salaries.

7. The respondents contend that such information is exempt from mandatory disclosure under §1-19(b)(2), G.S.

8. During the two fiscal years in question, teachers were given salary increases on the basis of merit ratings.

9. The fact that by comparing the salary figures for both fiscal years, any person may derive the performance rating of any of the employees in question does not bring the requested records within an exemption to disclosure under the Freedom of Information Act.

10. Such information is also a part of the files kept by the office of personnel.

11. Such information is stored in the respondent town's computer system.

12. While the respondents' record of the requested salaries may serve valid personnel purposes, it is self evident that they also serve as records of expenditures for fiscal and budgetary purposes.

13. Consequently, the requested records do not constitute personnel files within the meaning of §1-19(b)(2), G.S.

14. The salaries of public employees are an essential part of the public's business.

15. It is therefore found that the disclosure of the salaries in issue does not constitute an invasion of personal privacy within the meaning of §1-19(b)(2), G.S.

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

1. The respondents shall forthwith provide the complainant with the requested names and salaries for fiscal years 1977-78 and 1978-79.

Approved by order of the Freedom of Information Commission on September 13, 1978.

Charlene G. Arnold
Clerk of the Commission