

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Gregory F. Chilson and the) Report of Hearing Officer
American-Republican, Incorporated,)
Complainants) Docket #FIC78-17
against)
March 22, 1978
State of Connecticut; and the)
Comptroller of the State of)
Connecticut, Respondents)

The above captioned matter was heard as a contested case on February 28, 1978 at which time it was consolidated for hearing with Docket #FIC78-18 since both matters involved the same parties and raised substantially the same facts and issues. At the hearing, both the complainants and the respondents appeared, stipulated to certain facts and presented testimony and argument on the complaint.

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

1. The respondent comptroller is a public agency within the meaning of §1-18a(a), G.S.
2. By letter dated January 17, 1978, the complainants requested from the respondent comptroller a list of legislative employees and their rates of pay.
3. The complainants treated the respondent comptroller's failure to comply with the foregoing request as a denial under §1-21i(a), G.S., and filed this appeal with the Commission on January 30, 1978.
4. It is found that the respondent comptroller has denied the complainants' request.
5. It is also found that the respondent comptroller maintains and retains records which contain the information requested.
6. Although it is unclear whether the respondent comptroller can identify from such records all of the public employees who would fall within the ambit of the complainants' request, it is found that at least some of such employees can be so identified.

7. It is further found that such records constitute public records within the meaning of §1-18a(d), G.S.

8. The respondent comptroller contends that he is prohibited from complying with the complainants' request by virtue of §4-190, et seq., G.S., and specifically §4-191, G.S.

9. It is found that the respondent comptroller is an agency within the meaning of §4-190(a), G.S.

10. It is also found that the information requested constitutes personal data within the meaning of §4-190(i), G.S.

11. The issue therefore becomes whether the confidentiality of personal data provisions of §4-191, G.S., or the public disclosure provisions of §1-19(a), G.S., govern in this case.

12. §4-192(c) provides an exemption to the non-consensual disclosure of personal data where disclosure is authorized by statute.

13. In relevant part, §1-19(a), G.S., states that public records shall be disclosed unless otherwise provided by state statute.

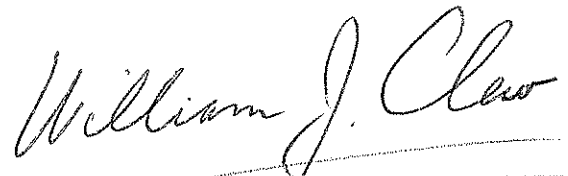
14. It is found that §4-191, G.S. does not act to repeal any of the fundamental public disclosure provisions of the Freedom of Information Act.

15. It is concluded, therefore, that the language of §4-192(c), G.S., which provides an exception to the prohibition of §4-191, G.S., refers to the public disclosure provisions of §1-19(a), G.S., and that the disclosure of the requested records is not prohibited under §4-191, G.S.

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

1. The respondent comptroller shall forthwith provide the complainants with access to inspect or copy those records in his possession or control which set forth the names and rates of pay of legislative employees, to the extent that such employees can be ascertained.

2. Compliance with paragraph 1 of this order may be provided by a process of abstracting the requested names and rates of pay from any other information in the records wherein they are maintained in such a manner as to conceal or withhold information exempt from disclosure.



Commissioner William J. Clew

as Hearing Officer