

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Pamela A. Brunetto,
Complainant

Report of Hearing Officer

against

Docket #FIC78-181

Department of Children and Youth
Services of the State of Connec-
ticut; and Commissioner of
Children and Youth Services of
the State of Connecticut; and
Regional Director of Children
and Youth Services of the State
of Connecticut,

February 15, 1980

Respondents

The above captioned matter was heard as a contested case on October 31, 1978, at which time the complainant and respondents appeared 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 within the meaning of §1-18a(a), G.S.
2. By letter dated August 29, 1978 the complainant requested access to inspect the files maintained on her by the respondent department.
3. By letter dated September 1, 1978 the respondent department through its regional director indicated that it would be willing to discuss the files with the complainant, but would not permit her to inspect the files.
4. By letter dated September 7, 1978, the complainant filed her complaint with this Commission in which she stated that she had a right to inspect the records under the Freedom of Information Act.
5. The complainant was a ward of the state from 1947 to 1963 and lived in several foster homes with her sister and brother.
6. The respondent department maintained a family file which tracked the complainant's family throughout the period the children were wards of the state, as well as a foster home record which tracked the foster homes in which the complainant was placed during the period she was a ward of the state.
7. The complainant stated at hearing that she did not seek the foster home record.

8. The respondent department was unwilling to reveal the file to the complainant because it claimed the family record to which she sought access was exempt under §1-19(b)(2), G.S. because the disclosure of its contents would constitute an invasion of personal privacy.

9. §1-19(b)(2), G.S. provides in relevant part:

Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of ... (2) personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy....

10. The family file consists of a chronological record of social workers' contacts with the children of the family, including the complainant, the foster homes, and the parents.

11. In addition, the aforesaid file contains school report cards, medical examinations, correspondence, reports of the juvenile courts, requests to return the children, the results of investigations, and the original reasons for placement.

12. It is found that the family file is a personnel, medical or similar file within the meaning of §1-19(b)(2), G.S.

13. The file is largely a chronological account of the family of the complainant in its relationship with the respondent department.

14. It is found that some documents of the file are public records which are not exempt under §1-19(b)(2), G.S. as records, the disclosure of which would constitute an invasion of personal privacy.

15. The records the disclosure of which would not constitute an invasion of personal privacy are those which disclose the actions taken by the respondent department or its predecessors with respect to the family, as well as general statements which show the bases for those actions.

16. The aforesaid public records include, at the very least, the record of the original reasons for foster home placement, applications of parents to regain custody, and records showing in general terms the reasons for any action upon such requests, as well as records showing reasons in general terms for changing foster home placements.

17. The father of the complainant is dead.

18. It is found that the deceased father has no privacy rights and that therefore none of the records in the family file which pertain to him are exempt under §1-19(b)(2), G.S.

19. It is further found that as to the disclosure of the complainant's own records, such as school report cards and medical examinations, detailed reports of the juvenile courts or detailed investigations of social workers, such disclosure would not constitute an invasion of personal privacy and that therefore these records are not exempt under §1-19(b) (2), G.S.

20. In addition to the public portions of the family file, the portions which refer to the deceased father and the portions which refer to the complainant, the file also contained materials which disclose intimate and personal details of the life of other members of the complainant's family.

21. It is found that disclosure of the records which reveal the intimate and personal details of the lives of living members of the complainant's family to her, in the absence of their consent, would constitute an invasion of their personal privacy and that such records fall within the meaning of the language of the exemption set forth at §1-19(b) (2), G.S.

22. The types of records pertaining to the other living members of the complainant's family which are within the exemption at §1-19(b) (2), G.S. include school report cards, reports of medical examination, detailed reports of the juvenile courts and reports of social workers if disclosure would cause shame, humiliation or outrage to a person of ordinary sensibilities.

23. Most of the members of the complainant's family are willing to provide written consent to her review of the family file.

24. It is found that disclosure of the portions of the file which contain intimate and personal facts concerning the living members of the complainant's family will not constitute an invasion of personal privacy if they consent to such disclosure.

25. It is further found that if any living member of the family refuses to consent to the disclosure of the contents of the file, that portion of the file which contains intimate and personal facts concerning that particular family member will be exempt from disclosure under §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 respondent shall disclose to the complainant those portions of her file which are not exempt from disclosure under §1-19(b) (2), G.S.

Judith A. Lahey
Commissioner Judith A. Lahey
as Hearing Officer