

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Neal D. Butler,

Report of Hearing Officer

Complainant

Docket #FIC81-99

against
Commissioners of the Metropolitan
District within the County of
Hartford,

July 28, 1981

Respondent

The above captioned matter was heard on July 24, 1981, at which time the complainant and the respondent appeared and presented testimony, exhibits and arguments on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with this Commission on July 2, 1981, the complainant alleged that upon his request for a copy of his personnel file, he had not been provided with all of the personnel files concerning him which were kept by the respondent.
3. It is found that the complainant was provided with all of the documents maintained in his personnel file by the respondent.
4. The complainant further alleged that on June 25, 1981, the respondent's personnel office refused to provide him or his representatives with a copy of a letter of grievance filed against him by a co-worker (hereinafter referred to as "grievance letter").
5. The respondent's personnel director refused to provide the complainant with a copy of the grievance letter because it was maintained in the personnel file of the employee who had written it and was not contained in the complainant's file.
6. The grievance letter concerns an incident involving the complainant which formed the basis for the termination of the complainant's employment with the respondent.
7. The complainant was present at the incident concerning which the grievance letter was filed.
8. The complainant has seen the letter of which he seeks a copy.
9. The respondent contends that the grievance letter is exempt from mandatory disclosure pursuant to §1-19(b)(2), G.S.

10. Section 1-19(b) (2), G.S., provides, in pertinent part, that:

"(b)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."

11. It is found that the respondent failed to prove that the provision of a copy of the grievance letter to the complainant would constitute an invasion of the co-worker's personal privacy. In this regard, the fact of the co-worker's desire that a copy of the letter not be provided to the complainant does not establish that an invasion of personal privacy would occur upon such provision.

12. It is found that the provision of a copy of the grievance letter to the complainant does not constitute an invasion of the co-worker's personal privacy.

13. It is further found that the provision of a copy of the grievance letter to the complainant does not constitute an invasion of the complainant's personal privacy.

14. Section 1-19b(a) (2), G.S. provides, in part:

"(a)Sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be:... (2)construed as requiring each agency to disclose information in its personnel files, birth records, or confidential tax records to the individual who is the subject of such information."

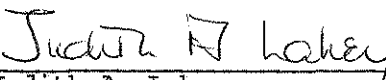
15. The complainant is the subject of the grievance letter he seeks.

16. The grievance letter is maintained by the respondent agency in its personnel files.

17. It is concluded that §1-19(b) (2), G.S. does not exempt the grievance letter from disclosure to the complainant and that §1-19b(a) (2), G.S. requires its disclosure to the complainant.

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

1. The respondent shall forthwith provide the complainant with a copy of the grievance letter filed against him.



Judith A. Lahey
as Hearing Officer

Approved by Order of the Freedom of Information Commission
at its regular meeting of August 12, 1981.

Wendy R. B. Paradis

Wendy R. B. Paradis
Clerk of the Commission