

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Georgia Kilpatrick,

FINAL DECISION

Complainant

Docket #FIC84-168

against

February 27, 1985

Fairfield Board of  
Education of the Town  
of Fairfield,

Respondents

The above captioned matter was heard as a contested case on December 4, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument 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 dated August 7, 1984 the complainant made a request of the respondent for a list of the teachers from whom payroll deductions were taken for Fairfield Education Association dues (hereinafter FEA) for the year 1983-1984 and a list of the teachers who had joined the FEA for the year 1984-1985.

3. By letter dated August 17, 1984 the assistant superintendent of the Fairfield public schools advised the complainant that she would be contacted as soon as the town attorney received a response from the Freedom of Information Commission regarding his request for an advisory opinion. By letter dated November 2, 1984 the Freedom of Information Commission advised the town attorney that his request for an advisory opinion had been denied.

4. By letter of complaint filed with the Commission on August 23, 1984 the complainant appealed the respondent's failure to provide her with the requested records.

5. At hearing, upon motion of the FEA, the FEA was granted intervenor status to appear at the hearing level.

6. Also at hearing the complainant moved to adjourn the hearing on the ground of the FEA's motion to intervene, which motion to adjourn was denied.

7. The respondent claims that the information requested is exempted from disclosure by §1-19(b)(2), G.S.

8. It is found that although the information in question is maintained on computer tapes rather than in individuals' personnel files, the records constitute personnel or similar files within the meaning of §1-19(b)(2), G.S.

9. It is found that the lists in question are exchanged freely between the respondent and the FEA.

10. The respondent claims, however, that it does not distribute the lists to anyone other than the FEA.

11. The respondent further claims that the public has no legitimate right to know how a public employee spends his or her money after it is earned and that therefore deductions for union membership are not disclosable.

12. The respondent failed to prove, however, that disclosure of the fact of union membership or non-membership would violate a public employee's personal privacy.

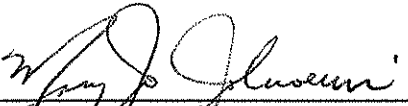
13. It is concluded that the records in question are not exempted from disclosure pursuant to §1-19(b)(2), G.S.

14. This Commission is without jurisdiction to adjudicate the respondent's claim that disclosure of union membership infringes upon teachers' rights of association.

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 access to inspect or copy FEA membership lists as described more fully at paragraph 2, above.

Approved by order of the Freedom of Information Commission at its regular meeting of February 27, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission