

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
William M. Baldwin, Complainant) Report of Hearing Officer
against) Docket #FIC 76-15
City and Town Registrar of Vital) March 24, 1976
Statistics of the City and Town
of Stamford, Respondent)

The above captioned matter was originally scheduled for hearing as a contested case on February 27, 1976. At the request of the parties hereto, the matter was re-scheduled and heard on March 5, 1976, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint. Pursuant to his letter of February 26, 1976, the State Commissioner of Health was designated as an intervenor and fully participated in all proceedings on this complaint. For the further reasons hereinafter set forth the Commissioner of Health is designated as a party and respondent to this complaint.

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

1. Pursuant to sec. 19-14, gen. stat., it is found that the intervenor is the real party in interest, as he is charged with the supervision of the respondent and all other town clerks in their capacity as registrars of vital statistics. For this reason he has been designated as a party and as a respondent to the complaint.
2. The respondent registrar and the intervenor are public agencies as they are the registrar of vital statistics of the City and Town of Stamford and the State Commissioner of Health, respectively.
3. By letter dated January 23, 1976, the complainant requested of the respondent registrar, permission to inspect certain alphabetical indices of marriage and death. Complainant also requested access to inspect certain marriage license certificates and death certificates.
4. The respondent registrar failed to comply with such request.
5. It is found that the documents described in the complaint are public records.

6. The respondent commissioner contends that these public records are exempt from disclosure pursuant to sec. 2(b)(1) of P. A. 75-342 on grounds that they are really "personal or medical files and similar files the disclosure of which would constitute an invasion of personal privacy." No specific evidence was offered that access is an invasion of the personal privacy of any person to whom the requested records relate. It is concluded that the records are not exempt under sec. 2(b)(1) of P.A. 75-342.

7. The respondent commissioner contends that marriage license certificates are exempt under sec. 46-5b, gen. stat. But sec. 46-5b refers only to applications for marriage licenses and not to marriage license certificates. Consequently, it is found that there is no statutory exemption prohibiting the disclosure of marriage license certificates within the meaning of sec. 2(a) of P.A. 75-342.

8. The respondent commissioner contends that death certificates are exempt under sec. 19-6a, gen. stat. While the statute exempts certain records concerning studies of morbidity and mortality, it does not exempt death certificates. Although death certificates are used in studies of morbidity and mortality, it is found that such certificates are kept to provide records of deaths for public purposes. Therefore, it is found that there is no statutory exemption prohibiting the disclosure of death certificates within the meaning of sec. 2(a) of P.A. 75-342.

9. While secs. 46-5b and 19-6a, gen. stat., do not explicitly exempt the disclosure of marriage license and death certificates, such exemption is granted to birth certificates in sec. 7-51, gen. stat. It is concluded that the General Assembly did not intend the exemptions advocated by the intervenor, since it specifically provided such exemption from disclosure in the case of birth certificates but omitted similar specific exemptions as to marriage license and death certificates.

10. The respondent commissioner contends that the respondent registrar endorsed certain additional information derived from marriage license and death certificates on some entries in the alphabetical indices of marriages and deaths. The respondent commissioner further contends that the existence of such information exempts such indices from disclosure pursuant to sections 46-5b and 19-16a, gen. stat. Sec. 7-47, gen. stat., which mandates such indices, merely provides that each registrar of vital statistics shall keep an alphabetical index of births, marriages and deaths recorded by such registrar. While birth records are exempt from disclosure under statute, there is no provision that additional information be endorsed on such indices concerning marriages and deaths. It is concluded that no statutory exemption prohibits the disclosure of the alphabetical indices of marriages and deaths.

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

1. The respondent registrar shall forthwith permit the complainant to inspect the marriage license certificates, death certificates and alphabetical indices of marriages and deaths as described in complainant's letter of January 23, 1976.

2. The inspection permitted in paragraph 1 of this Order shall be conducted in all respects in accordance with section 2(a) of P.A. 75-342.

3. The respondent State Commissioner of Health is directed to notify all personnel in the State Department of Health concerned with such records and all registrars of vital statistics that marriage license certificates, death certificates and alphabetical indices of marriages and death are available for inspection or copying pursuant to P.A. 75-342.

Helen M. Loy

Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 14, 1976.

Louis J. Tapogna

Louis J. Tapogna
Clerk of the Commission