

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by John Kohler, Complainants	)	Report of Hearing Officer
	)	
against	)	Docket #FIC77-237
	)	
State of Connecticut; and the Department of Corrections; and the Commissioner of the Department of Corrections,	)	April 17, 1978
Respondents	)	
	)	

The above captioned matter was consolidated with FIC docket #77-236 because of the similarity of the issues in both cases. They were heard as contested cases on January 17, 1978, 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 respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated November 28, 1977 the complainant made a request that copies of six different categories of documents be furnished to him by the respondent commissioner free of charge because he was indigent.
3. Among the aforesaid categories of documents were the contents of complainant's institutional file, copies of certain contracts and grants, copies of documents showing the names, qualifications and salaries of all medical personnel and all medical health personnel employed by the Connecticut Correctional Institution at Somers, and copies of records showing donations to the respondent department.
4. An affidavit of poverty accompanied the request for documents.
5. By letter dated December 5, 1977 the respondent Commissioner stated that upon prepayment of \$48.45, some of the requested documents would be provided.
6. Certain of the requested documents could not be provided by the Commissioner because he did not have them. These included copies of contracts, agreements or financial transactions between the Department of Corrections and the Connecticut Legal Assistance for Prisoners and his request for copies of an L.E.A.A. grant for an industrial hourly wage program in Connecticut.

7. In addition, the respondent Commissioner refused to comply with the complainant's request for copies of documents and/or receipts showing properties or monies donated to the Department of Corrections in the past five years on the ground that the inconvenience and expense generated by such a request was unreasonable.

8. It is found that records and receipts of donations of property and monies to the respondent department are public records within the meaning of §1-18(d), G.S. and §1-15, G.S.

9. The respondent commissioner also refused to supply the complainant with "copies of documents i.e. job applications, etc. showing names, qualifications and salaries of all medical personnel and all mental health personnel employed by the Connecticut Correctional Institution at Somers," on the ground that the material was exempt under §1-19(b)(2), G.S.

10. §1-19(b)(2), G.S., exempts personnel and medical files and similar files the disclosure of which would constitute an invasion of personal privacy.

11. It is found that insofar as this request is vague ("etc.") it cannot be responded to.

12. It is further found that insofar as it is a request for copies of records showing the professional credentials of all medical and medical health personnel which are relevant to their roles as public employees the disclosure of such data does not constitute an invasion of privacy.

13. It is concluded, therefore, that the disclosure of copies of records showing the names and professional credentials of medical and medical health personnel is not barred by §1-19(b)(2), G.S.

14. The respondent commissioner further refused to supply copies of those parts of the complainants institutional file which constituted the complainants presentence investigation report, and internal diagnostic reports which included reports of psychiatric and psychological examinations of the complainant on the grounds that the former is not a public record under §1-18a(d), G.S., and the latter are personnel or medical or similar files which are exempt under §1-19(b)(2), G.S.

15. It is concluded that those parts of the complainant's institutional file which the commissioner has refused to supply, are properly excluded from disclosure because the presentence investigation report is not a public record under §1-18a(d), G.S., and because the internal diagnostic reports are exempt from disclosure under §1-19(b)(2), G.S.

16. The respondent commissioner further claimed that even those requested documents which he was willing to provide would not be made available until the complainant paid for the records, because he had determined that the complainant was not indigent.

17. The respondent commissioner made the determination that the complainant is not indigent on the basis of five factors: (1) the complainant is a prison inmate; (2) he is furnished food, clothing, housing and medical care at state expense; (3) the complainant has a job which pays \$.75 per day; (4) the balance in the complainant's institutional account has ranged from zero to a high of approximately \$100.00, and the balance was reduced just prior to complainant's undertaking his appeal to this Commission; (5) the complainant owns a television set, a radio and a typewriter.

18. It is found that the respondent commissioner's determination of indigency is not unreasonable in view of the particular facts of this case.

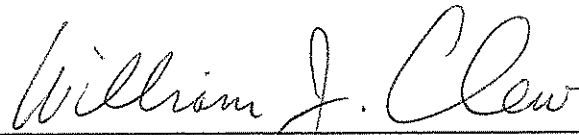
The following order by the Commission is hereby recommended on the basis of the record and the finding concerning the above captioned complaint:

1. Upon tender of \$48.45 by the complainant the respondent commissioner shall furnish the complainant with copies of documents which have already been collected.

2. As to those documents requested and described in paragraphs numbered 6 and 15, which are either not in the Commissioner's possession, or which are not public records, or which are exempt from disclosure under §1-19(b), G.S., this complaint is hereby dismissed.

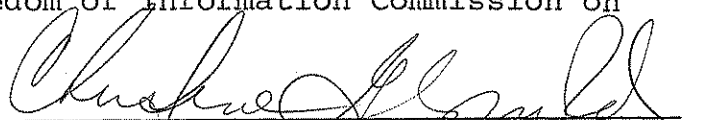
3. As to those documents described in paragraphs 8, and 9-13, which have not yet been gathered together by the respondent commissioner, this complaint is dismissed without prejudice. In view of the complainant's limited resources, and the costs which will accrue to him if the Commissioner of Corrections supplies all of the documents requested, the Commission believes he should be given an opportunity to narrow the scope of his request if he wishes to do so.

4. The findings and order in this report shall be limited to the facts presented at hearing. It should not be construed to mean that the Commission would find reasonable a determination that all prisoners are not indigent.

  
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Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
April 26, 1978.

  
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Charlene G. Arnold, as Clerk of the  
Freedom of Information Commission