

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Patricia J. Walsh, Joseph A. Walsh,) Report of Hearing Officer
Nancy L. Turlish, Complainants)
) Docket #FIC77-94
)
) against)
)
) June 13, 1977
)
Town of Seymour and Superintendent)
of Schools of the Town of Seymour,)
Respondents)

The above captioned matter was consolidated for hearing with In the Matter of a Complaint by Joseph A. Walsh, Patricia J. Walsh, Nancy L. Turlish against Town of Seymour, Superintendent of Schools of the Town of Seymour and Board of Education of the Town of Seymour, docket #FIC77-85, both matters having raised substantially the same basic facts and questions of law.

The parties hereto agreed that the exhibits and written testimony presented at the hearing herein are to be considered a part of the record of both appeals.

Both matters were heard on June 2, 1977, at which time the complainant and the 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 as defined in §1-18a(a), G.S.
2. On April 21, 1977, the complainants requested from the respondent superintendent access to see, inspect and copy the superintendent's employment contract with the board of education of the respondent town.
3. At that time the respondent superintendent refused to grant them access to the requested document.
4. The complainants filed the present appeal on May 6, 1977, alleging that the aforesaid denial of access to such record constituted a violation their rights under the Freedom of Information Act.
5. The requested contract contains a provision requiring, as a condition of employment, that the respondent superintendent undergo certain medical examinations.

6. The aforesaid provision further states that the board of education of the respondent town shall receive the results of such medical examinations. The complainants are not seeking such results.

7. The contract provision in issue does not identify a particular medical condition of the respondent superintendent.

8. The respondents contend, on the basis of the above, that disclosure of the requested contract is not required as constituting a personnel or medical file the disclosure of which would constitute an invasion of privacy under §1-19(b)(1), G.S.

9. It is found that disclosure of the requested contract would not constitute an invasion of the personal privacy of the respondent superintendent.

10. Such document is further found to be a public record within the meaning of §1-18a(d), G.S.

11. It is concluded that the refusal of the respondent superintendent to grant the complainants access to the contract in issue constituted a denial of their rights under §1-19, G.S.

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

1. The respondents shall forthwith provide the complainants with access to the aforesaid requested contract as required by §1-19, G.S.



Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 22, 1977.



Mitchell W. Pearlman as Acting
Clerk of the Commission