

9. It is found, however, that the respondent failed to vote to consider the issue of the complainant's work-related injury, in violation of §1-21, G.S., although, following completion of the discussion of the complainant, the respondent voted to take up the matter under "new business."

10. The only action taken by the respondent while discussing the complainant was a decision to ask the complainant's insurance company for his medical information.

11. Nothing in the Freedom of Information Act requires a public agency to convene in executive session upon request by an individual being discussed.

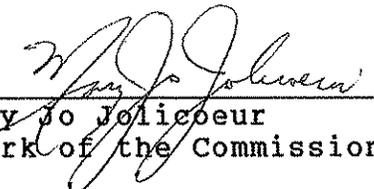
12. It is therefore concluded that the respondent did not violate the Freedom of Information Act when it failed to offer the complainant the option of having his injury discussed in executive session.

13. The Commission notes that due to the presence of the complainant and the limited nature of the discussion, the respondent's raising of a non-agenda personnel matter under the rubric "new business" did not substantially prejudice the complainant. However, doing so is generally not good policy and can only be considered appropriate in cases such as this in which the individual being discussed is present at the meeting.

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

1. Henceforth, the respondent shall act in strict compliance with the requirements of §1-21, G.S. regarding discussion of non-agenda items at public meetings.

Approved by order of the Freedom of Information Commission at its regular meeting of December 14, 1983.


Mary Jo Jolicœur
Clerk of the Commission