

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Patricia Lynch

FINAL DECISION

Complainant

Docket #FIC83-162

against

December 19, 1983

Hamden Police Department

Respondent

The above captioned matter was heard as a contested case on October 20, 1983, 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. On or about April 6, 1983 the police chief of the town of Hamden submitted to the town a claim for reimbursement for 156 vacation days, 30 compensatory days, 120 sick days and 23,293.5 hours of overtime.

3. By letter dated July 20, 1983 the complainant made a request of the respondent for documentation of the dates of such claimed days and hours.

4. By letter dated July 21, 1983 the respondent informed the complainant that the police chief was not compensated for his overtime hours or for any sick days, and that the remainder of the requested information was exempted from disclosure by §1-19(b)(2), G.S.

5. By letter of complaint filed with the Commission on July 29, 1983 the complainant appealed the denial of her request.

6. The respondent claims that the requested records are maintained in personnel files in the police department and are exempted from disclosure by §1-19(b)(2), G.S.

7. The respondent also claims that the requested records are the subject of labor negotiations and are therefore exempted from disclosure by §1-19(b)(9), G.S.

8. It is found that the documentation of an employee's claim for compensation are not records, reports or statements of strategy or negotiations with respect to collective bargaining and are therefore not exempted from disclosure by §1-19(b)(9), G.S.

9. The respondent also claims that a labor contract entered into by the town of Hamden limits access to personnel files, including an individual's access to his own file.

10. The respondent, however, failed to offer any proof of the terms or applicability of such contract. Furthermore, the public's right to access to such records cannot be contractually abrogated by the respondent. The respondent's argument, therefore, is unpersuasive.

11. It is found that the public has a legitimate interest in the attendance records of individuals paid from public funds.

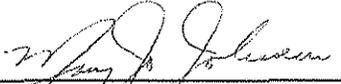
12. It is found that the respondent failed to prove that the disclosure of documentation of the police chief's claim for compensation would constitute an invasion of personal privacy within the meaning of §1-19(b)(2), G.S.

13. It is concluded that the records of attendance referred to at paragraph 3, above, are subject to disclosure pursuant to §1-15 and 1-19(a), G.S.

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 the documents referred to at paragraph 3 of the findings, above.

Approved by order of the Freedom of Information Commission at its special meeting of December 8, 1983.



Mary Jo Jolicoeur
Clerk of the Commission