

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Thomas A. Amato,

FINAL DECISION

Complainant

Docket #FIC84-232

against

Superintendent, Department of
Mental Retardation,

April 10, 1985

Respondent

The above captioned matter was heard as a contested case on February 15, 1985 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. By letter dated October 19, 1984 the complainant, in connection with his representation of an individual accused of sexually assaulting a patient/resident of the East Hartford Group Home, made a request of the respondent for access to the patient's psychiatric records.

3. By letter of complaint filed with the Commission on October 30, 1984 the complainant alleged that he had been denied access to the patient's psychiatric records and prior reports by her of sexual assault.

4. At hearing, the complainant indicated that he was not seeking medical records, rather, he was seeking records of prior complaints by the patient of sexual assault by the patient.

5. The complainant claims that access to prior reports of sexual assault are necessary to prepare his client's defense.

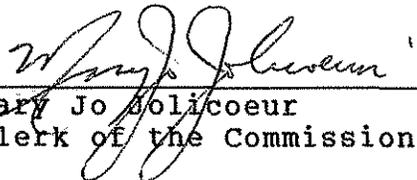
6. It is found, however, that the patient's allegations of prior incidents of sexual assault constitute medical or similar files, the disclosure of which would constitute an invasion of the patient's personal privacy within the meaning of §1-19(b)(2), G.S.

7. It is concluded that the records sought by the complainant are exempted from disclosure by §1-19(b)(2), G.S.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of April 10, 1985.



Mary Jo Bolicoeur
Clerk of the Commission