

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Charles H. Walsh, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-33
)	
State of Connecticut; Department of Health of the State of Connecticut and Director of Maternal and Child Health of the Department of Health,)	March 18, 1977
Respondents)	

The above captioned matter was heard as a contested case on March 8, 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 by §1-18a(a), G.S.

2. By letter dated February 4, 1977, the complainant requested from the respondent director access to the individual abortion forms (MCH-155 New 6/74) filed by three private clinics for the year 1976.

3. By same letter, the complainant further requested any other statistical abstracts kept and maintained by the respondent director concerning the number of abortions and post-procedural abortion complications for the same year.

4. By letter filed herewith on February 16, 1977, the complainant appealed to this Commission pursuant to §1-21i, G.S.

5. The individual abortion forms (MCH-155 New 6/74) are kept and maintained in the files of the respondent director.

6. It is therefore found that the requested forms are public records within the meaning of §1-18a(d), G.S.

7. There are no additional abstracts of post-procedural complications concerning abortions in the files of the respondents.

8. The respondent director first contends that the requested forms are exempt from disclosure pursuant to §1-19(b)(1) as medical files and similar files the disclosure of which would constitute an invasion of personal privacy.

9. The disclosure of the information contained in form MCH-155 would not in itself invade the personal privacy of the individuals in question. It is therefore found that the requested form does not fall within the meaning of the exemption under §1-19(b)(1), G.S.

10. The respondent director next contends that the forms in question are exempt from disclosure under §19-6a, G.S. §19-6a provides for the confidentiality of records and data procured by the respondent department "in connection with studies of morbidity and mortality conducted by the state department of health ... for the purpose of reducing morbidity or mortality from any cause or condition."

11. Subsection H of form MCH-155 is designated Known Medical Complications Resulting from Procedure(s). The public health medical consultant testified that, where applicable, this space is sometimes used by the department to monitor the application of a certain serum to women suffering from erythroblastosis, which disease is known to cause infant mortality.

12. Although in practice subsection H of form MCH-155 has been utilized in some instances to monitor procedures relating to erythroblastosis, it is concluded that such form's original design and primary statistical purpose is to keep track of abortions performed in the state of Connecticut as mandated by §19-13-D54 of the public health code.

13. It is therefore found that the information contained thereon is not exempt within the meaning of §19-6a, G.S. as provided for in §1-19, G.S., and is therefore subject to disclosure 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 complainant with access to the requested form MCH-155 as provided for under §1-19, G.S.

Judith Lahey

Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 13, 1977.

Louis J. Tapogna

Louis J. Tapogna, as Clerk of the
Freedom of Information Commission