



6. Item #2, concerning answer sheet 10-A, contains the correct answers for a certain written test which test is administered by personnel jurisdictions around the country.

7. Accordingly, it is found that disclosure of items #1 and 2 is not required under §1-19(b)(5) as test questions, scoring keys and other examination data used to administer an examination for employment.

8. Police report #17865, item #6, concerns the arrest record of a juvenile.

9. It is found that disclosure of item #6 is not required under §1-19(2)(D), G.S.

10. Police report #17531 concerns either the arrest record of an adult resulting in erasure or the arrest record of a juvenile.

11. Police report #17704 concerns the arrest record of two individuals charged as adults resulting in the erasure of portions of the original information brought against them. The complainant has been granted access to those portions of the charge which resulted in conviction.

12. It is found that §54-90, G.S. provides a statutory exemption to the disclosure of police report #17704, item #8, pursuant to §1-19(a), G.S.

13. It is further found that police report #17531 is exempted either under §1-19(2)(D), G.S. or under §54-90, G.S. as provided in §1-19(a), G.S., whichever is applicable to the particular information therein.

14. Finally, the Commission must treat the polygraph report here in issue.

15. The respondent department first contends that the aforesaid polygraph report is exempt from disclosure under §1-19(b)(1), G.S. as personnel and similar files the disclosure of which would constitute an invasion of personal privacy.

16. The aforesaid report is contained in the personnel file of the complainant.

17. There was no showing by the respondents how the disclosure of the aforesaid report would result in an invasion of the personal privacy of the complainant to which it concerns.

18. It is found that the polygraph report is not exempt from disclosure within the meaning of the exemption under §1-19(b)(1), G.S.

19. The respondent department next contended that the polygraph report was exempt as containing test questions, scoring keys and other examination data.

20. The document consists of a report to the appointing authority, by the polygraph examiner, of a narrative of the relevant discussions, and the results thereof, of a lie detector

test administered to the complainant by the state police when the complainant was an applicant for the job of police officer with the respondent department.

21. The respondent department failed to produce evidence showing that the aforesaid report contains test questions, scoring keys and other examination data.

22. It is therefore concluded that the aforesaid report is not exempt from disclosure within the meaning of the exemption under §1-19(b)(5), 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 department shall forthwith provide the complainant with access to inspect or copy the requested polygraph report pursuant to §1-19, G.S.

2. The respondent department may delete or conceal from the complainant's view only such entries thereon which in its good faith opinion contains test questions used in an examination for employment within the meaning of the exemption under §1-19(b)(5), G.S.

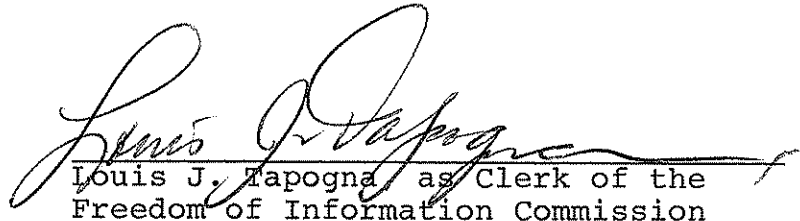
3. Nothing herein shall be construed as limiting the complainant's rights in seeking further relief before this Commission in the case where specific information contained in the aforesaid report is deleted or concealed pursuant to paragraph 2 of this Order and the complainant believes that such deletion or concealment is not in conformity with the requirements of P.A. 75-342 or this Order.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on May 25, 1977.



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