

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Marc Gunther and Mark Stillman,
Complainants

Report of Hearing Officer

against

Docket #FIC78-202

Labor Department of the State of
Connecticut; and Commissioner of
the Labor Department of the State
of Connecticut, and Ambulance
Service of Manchester, Inc.,
Respondents

May 30, 1979

The above captioned matter was heard as a contested case on November 28, 1978, at which time Ambulance Service of Manchester, Inc. was admitted as a party, and the complainants and respondents appeared and presented testimony, exhibits and argument on the complaint. The hearing was continued on December 7, 1978 for the presentation of additional evidence and argument.

After consideration of the entire record, the following facts are found:

1. The respondent labor department and labor commissioner are public agencies within the meaning of §1-18a(a), G.S.
2. By letter filed with the Commission on October 17, 1978, the complainants alleged that they had been denied access to certain records in the possession of the respondent department.
3. By letter dated October 6, 1978, the complainants requested access to records of investigations of the minimum wage division of the respondent department pertaining to the Ambulance Service of Manchester, Inc. which would show:
 - a. the names of individuals who the department determined or sought to determine were due wages in the past five years from the Ambulance Service of Manchester;
 - b. the amount of wages, if any, the department determined was due each individual;
 - c. the amount, if any, each individual actually received as a result of a settlement.
4. The complainants stated that their request included but was not limited to correspondence between the department and the Ambulance Service of Manchester, its representatives, employees, and former employees; files concerning the company's employment and wage practices, including those in which the company is accused of not paying proper wages; audits, reports and memoranda written by department employees concerning the ambulance service.

5. At hearing the respondents alleged that the records were exempt from disclosure under §1-19(b)(2) and §4-190, et seq., G.S.

6. There is a legitimate public interest in the enforcement of the minimum wage laws.

7. It is found that the records in question are records of investigations of the minimum wage division of the respondent labor department and, as such, are not personnel or medical and similar files within the meaning of §1-19(b)(2), G.S.

8. It is found that the respondent Ambulance Service of Manchester, Inc. has no privacy rights.

9. It is further found that the respondents failed to prove that disclosure of the records to which access is sought by the complainants would constitute an invasion of any privacy rights.

10. It is concluded, therefore, that the requested records are not exempt from disclosure under §1-19(b)(2), G.S.

11. The respondents contend that the respondent labor department is prohibited from complying with the complainant's request by virtue of §4-190, et seq., G.S. and specifically by §4-191, G.S.

12. It is found that the respondent labor department and the respondent commissioner are public agencies within the meaning of §4-190(a), G.S.

13. It is also found that some of the information requested constitutes personal data within the meaning of §4-190(i), G.S.

14. The issue therefore becomes whether the confidentiality of personal data provisions of §4-191, G.S., or the public disclosure provisions of §1-19(a), G.S., govern in this case.

15. §4-192(c), G.S. provides an exemption to the non-consensual disclosure of personal data where disclosure is authorized by statute.


16. In relevant part, §1-19(a), G.S. states that public records shall be disclosed unless otherwise prohibited by state statute.

17. It is found that §4-191, G.S. does not act to repeal any of the fundamental public disclosure provisions of the Freedom of Information Act.

18. It is concluded, therefore, that the language of §4-192(c), G.S., which provides an exception to the prohibition of §4-191, G.S., refers to the public disclosure provisions of §1-19(a), G.S., and that the disclosure of the requested records is not prohibited under §4-191, G.S.

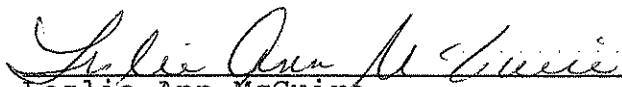
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent commissioner and department shall forthwith permit the complainants to have access to the investigatory records which are described in their letter dated October 6, 1978.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 13, 1979.



Leslie Ann McGuire
Acting Clerk of the Commission