

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John D. Hughes,

Complainant

Report of Hearing Officer

against

Docket #FIC79-155

Town of Glastonbury; and Super-
intendent of Schools of the Town
of Glastonbury,

February 27, 1980

Respondent

The above captioned matter was heard as a contested case on February 6, 1980, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony 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. On June 15, 1979, the complainant made a written request for the names and residential addresses of the employees of the respondent town's school system.

3. The respondent superintendent refused the complainant's request on July 18, 1979.

4. From such denial, the complainant filed a written complaint with the Commission by letter dated July 19, 1979, and filed with the Commission on July 20, 1979.

5. The respondents have moved to dismiss the complainant's complaint on the following two grounds:

a) the Commission's failure to hear such complaint within twenty days of receipt thereof, as set forth in §1-21i(b), G.S.;

b) the complainant's failure to make a further request to the board of education of the respondent town from the aforesaid refusal of the respondent superintendent.

6. The time period for hearing the complainant's complaint, set forth in §1-21i(b), G.S., is directory and not mandatory.

7. Denials of the right to inspect or copy records are required to be made by the public agency officials who have custody or control of the requested public records, pursuant to §1-21i(a), G.S.

8. The respondent superintendent has custody and control over the records relating to the complainant's request.

9. It is therefore found that the Commission has jurisdiction to hear the complainant's complaint.

10. The respondents next contend that the requested information falls within the exemption to disclosure provided under §1-19(b)(2), G.S. as constituting "personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy."

11. Although names and residential addresses often exist within personnel or medical files, such information is not unique to such files. In this regard, the requested information is contained in a professional directory kept by the respondent superintendent, which does not form the part of any personnel file.

12. It is therefore found that the requested records do not constitute personnel or medical files and similar files within the meaning of §1-19(b)(2), G.S.

13. The Commission need not reach the respondents' claim of invasion of personal privacy by virtue of finding #12 hereinabove.

14. In any event, however, disclosure of the requested names and residential addresses does not constitute an invasion of personal privacy for reasons set forth hereinbelow.

15. There can be no claim of invasion of personal privacy where there is a legitimate public interest in the information requested.

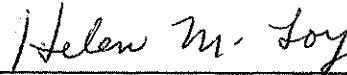
16. In determining whether or not there is a legitimate public interest in public record information, the Commission must look to the general public interest rather than the personal or private interest of the information requester.

17. There is a general and legitimate public interest in the names and residential addresses of public employees. In this regard, the public has an obvious interest in knowing who their public servants are. In many cases, identification may only be achieved through knowledge of a residential address. Similarly, such information is pertinent to the discussion, passage or implementation of municipal ordinances requiring public employees to live within town or city limits as a condition of employment.

18. Lastly, although the complainant intends to use the requested information for the purpose of private commercial solicitation relating to the tax advantages of certain types of employee investments, such commercial use is not so highly offensive to a reasonable person as to render disclosure thereof an invasion of personal privacy within the tort meaning of the phrase.

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

1. The respondents shall provide the complainant with the requested names and addresses within five business days of issuance of the Notice of Final Decision hereof.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on March 12, 1980.



Leslie Ann McGuire
Clerk of the Commission