

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Nicola E. Rubinow

Complainant(s)

against

State Department of Health
Tumor Registry and Dr. Merton
S. Honeyman of the State Depart-
ment of Health Tumor Registry

Respondent(s)

Report of Hearing Officer

Docket #FIC80-19

January 4, 1982

The above entitled matter was scheduled for hearing on June 9, 1980, at which time the complainant and the respondents appeared and presented evidence and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated January 17, 1980, the complainant requested copies of any and all documents "containing reference to diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, radiation, surgical or other methods of diagnosis, treatment, and annual lifetime follow-up" of a particular patient.
3. By the same letter, the complainant indicated that her request was made pursuant to §1-19, G.S. and §19-36-1 of the regulations of the State Department of Health, and that the respondent possessed a medical authorization form which permitted it to release information concerning the patient in question to the complainant.
4. By letter dated January 22, 1980, respondent Honeyman denied the complainant's request, citing §19-6a, G.S. as the reason for such denial.
5. By letter of complaint filed with this Commission on February 1, 1980, the complainant alleged that she had been denied the right to copies of the records she requested.
6. Pursuant to §19-36-1 of the Regulations of State Agencies, each general, special and chronic disease hospital licensed under

Chapter 333 of the General Statutes provides the respondent tumor registry with the types of information referred to in the complainants request.

7. Hospitals and medical providers inform the respondent registry of all cases of cancer diagnosed in hospitalized patients in the state, which information includes identifying information by individual name in written form.

8. The complainant's client, the patient concerning whom the complainant seeks information, suffers from a type of cancer which is reported to the respondent registry.

9. The complainant is authorized to receive records on behalf of her client.

10. The complainant's client is prosecuting a civil suit in which he makes the fact that he suffers from a reportable type of cancer known.

11. The respondent contends that §§1-19(b)(2), 1-19(b)(10) and 19-6a, G.S. exempt the records in question from disclosure.

12. Section 1-19(b)(2), G.S. states in part:

"nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of . . . (2) personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy....."

13. It is found that the requested records are medical files within the meaning of §1-19(b)(2), G.S.

14. It is further found that disclosure of the contents of a medical file to the subject of the file does not constitute an invasion of personal privacy.

15. It is therefore concluded that §1-19(b)(2), G.S. does not exempt the requested records from disclosure to the complainant via her client's authorization.

16. Section 1-19(b)(10), G.S. provides in part:

"nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of . . . (10) records, tax returns, reports and statements exempted by federal law or state statutes....."

17. The respondent contends that the requested records are exempted by a state statute, §19-6a, G.S.

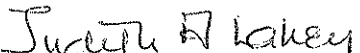
18. Section 19-6a, G.S. provides in relevant part:

Sec. 19-6a. Confidentiality of records concerning morbidity and mortality. All information, records of interviews, written reports, statements, notes, memoranda or other data, including personal data as defined in subsection (i) of section 4-190, procured by the department of health services or by staff committees of facilities accredited by the department of health services in connection with studies of morbidity and mortality conducted by the department of health services or such staff committees, or carried on by said department or such staff committees jointly with other persons, agencies or organizations, or procured by such other persons, agencies or organizations, for the purpose of reducing the morbidity or mortality from any cause or condition, shall be confidential and shall be used solely for the purposes of medical or scientific research. Such information, records, reports, statements, notes, memoranda or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person, nor shall it be exhibited or its contents disclosed in any way, in whole or in part, by any officer or representative of the department of health services or of any such facility, by any person participating in such a research project or by any other person, except as may be necessary for the purpose of furthering the research project to which it relates. . . . This section shall not be deemed to affect disclosure of regular hospital and medical records made in the course of the regular notation of the care and treatment of any patient, but only records or notations by such staff committees pursuant to their work.

19. It is found that under the facts of this case §19-6a, G.S. exempts from disclosure the data which is requested by the complainant herein.


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.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of February 10, 1982.



Mary Jo Jolicœur
Clerk of the Commission