

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Winston J. Edwards III

FINAL DECISION

Complainant

Docket #FIC 85-142

against

The Town Manager of Glastonbury
and The Town of Glastonbury

January 8, 1986

Respondents

The above captioned matter was heard as a contested case on September 23, 1985 and October 10, 1985 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 within the meaning of §1-18a(a), G.S.

2. By letter dated June 5, 1985, the complainant made the following request to the respondent manager:

"Pursuant to the Freedom of Information Act I hereby request a copy of each and every job application for each and every present and past employee of the Glastonbury Police Department of the rank of patrolman or higher who applied for a job in the Department during the time interval January 1, 1970 through May 31, 1985."

3. The respondents claim that the records are exempt from disclosure under §1-19(b)(2), G.S., as "personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy...."

4. The respondents sought to introduce evidence of motivation for the request or the intended use of the records by the complainant or acquaintances of the complainant. The respondents claim that motivation or intended use is relevant to §1-19(b)(2).

5. It is concluded that evidence of motivation or intended use is immaterial because §1-19(a), G.S., provides that every person has the right to inspect and copy public records unless a specific exemption applies.

6. The respondents estimated it has over 55 applications within the ambit of the request noted in paragraph 2, above.

7. The respondents notified all police officers of the request in this case and in 1982 notified officers of a similar request for disclosure of job applications.

8. The respondents presented statements from 31 officers of the rank of patrolman or higher, 2 dispatchers, 1 executive secretary and three employees not identified by position requesting that their job applications not be publicly disclosed.

9. The respondents claim that public disclosure of the following information in police officer job applications would constitute an invasion of personal privacy under §1-19(b)(2):

- a) address;
- b) telephone number;
- c) date and place of birth;
- d) social security number;
- e) marital status;
- f) names, addresses, ages, health and employers of family members; cause of death of family members;
- g) health information unrelated to job qualification;
- h) personal financial assets;
- i) salaries at previous jobs;
- j) non-conviction information (under erasure statutes);
- k) references.

10. The respondents claim that the qualifications of past police officers are of no great public interest.

11. It is concluded that the qualifications of current and former police officers are of legitimate concern to the public. It is also concluded that the integrity of the hiring process for current and former officers is of legitimate concern to the public.

12. It is concluded that by accepting employment as police officers, the officers waived confidentiality of certain records related to the hiring process and to job qualification.

13. It is concluded that the following information in police officer job applications is not exempt from disclosure under §1-19(b)(2):

- a) name;
- b) address;
- c) position applied for;
- d) date of application;
- e) date of birth;
- f) health information that is relevant to a police officer's qualifications;
- g) motor vehicle license suspensions or revocations;
- h) criminal conviction information;
- i) military record (other than disability compensation);
- j) employment history (other than salaries);
- k) educational record;
- l) references.

14. It is found that the respondent manager violated §§1-15 and 1-19(a), G.S., by refusing access to the job applications.


15. The Commission declines to impose a civil penalty.

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

1. The respondent manager shall provide the complainant with the requested job applications, including information listed in paragraph 13 of the findings. The respondent manager, however, may mask or delete information not listed in paragraph 13 of the findings.

2. In complying with paragraph 1 of this order, the respondent may delete or otherwise mask the street name and number of each officer's address and the month and date of birth of each officer.

Approved by the Freedom of Information Commission at its regular meeting of January 8, 1986.



Karen J. Haggett
Clerk of the Commission