

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
James Engle,

FINAL DECISION

Complainant

DOCKET #FIC85-147

against

New Milford Police Commission,

FEBRUARY 13, 1986

Respondent

The above captioned matter was heard as a contested case on November 15, 1985 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. By letter dated May 7, 1985 the complainant made a request of the acting captain of the New Milford police department for copies of the final scores on "all of the testing procedures regarding the Sergeant Promotion of 1982."

2. In response to his request the complainant received the final scores of the testing procedures. By letter dated May 20, 1985 the complainant made a request of the acting chief of police for "the scores and percentages of each section of the test which include, written test, oral test, psychological test, physical agility, medical exam and personnel record" for all candidates involved in the testing procedure, including himself.

3. By letter dated June 21, 1985 the chairman of the respondent provided the complainant with most of the requested information. The respondent provided the complainant with the results of his psychological test and listed the scores of the other candidates, but did not identify the other scores with names.

4. By letter of complaint filed with the Commission on July 9, 1985 the complainant appealed the denial of his request for the results, personally identified, of the psychological test portion of the sergeant promotion examination.

5. It is found that the results of the psychological test portion of the examination are part of a personnel or medical file within the meaning of §1-19(b)(2), G.S.

6. The complainant claims that nothing about the candidates' psychological health can be determined from the scores on the psychological test and that therefore the results are not exempted from disclosure by §1-19(b)(2), G.S.

7. It is found, however, that disclosure of the ranking of the candidates based upon their performance on a psychological examination would constitute an invasion of personal privacy within the meaning of §1-19(b)(2), G.S.

8. It is concluded that the respondent did not violate §§1-15 or 1-19(a), G.S., when it denied the complainant access to candidates' ranking and scores on a psychological examination.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of February 13, 1986.



Karen J. Haggett
Clerk of the Commission