



FREEDOM OF INFORMATION



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Elisabeth Seieroe Maurer,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-370

Office of Corporation Counsel,
City of Danbury; and City of Danbury,
Respondent(s)

May 24, 2012

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, June 13, 2012**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 1, 2012**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE June 1, 2012**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE June 1, 2012**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: Elisabeth Seieroe Maurer
Johanna G. Zelman, Esq.
Eric W. Chester, Esq.
Kenneth Ackell

5/24/12/FIC# 2011-370/Trans/wrbp/SDL/PSP/LFS

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Elisabeth Seieroe Maurer,

Complainant

Docket # FIC 2011-370

against

Office of Corporation Counsel,
City of Danbury; and
City of Danbury,

Respondents

May 23, 2012

The above-captioned matter was heard as a contested case on March 7, 2012, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

On or about January 19, 2012, the respondents notified the individuals whose records are at issue, as well as their collective bargaining unit representatives, of the hearing in this matter. The Danbury Professional Fire Fighters, Local 801, IAFF, AFL-CIO, moved to intervene and was granted intervenor status on behalf of the union. Prior to the hearing, Kenneth Ackell, whose records are also at issue, filed a motion to intervene, which was granted by the hearing officer. The union was present at the March 7th hearing; Mr. Ackell was not.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated February 16, 2011, the complainant made a 22-part request to the respondents. It is further found that the only records that remain at issue are the following:¹

¹ At the hearing in this matter, the complainant testified that the records responsive to 19 of the 22 requests are no longer at issue, and therefore, shall not be further addressed herein. In addition, the complainant testified that she is no longer seeking retirement records, as described in paragraph 2[a], above, concerning Ronald Bowers, Mark Perry and Kevin Sullivan. Accordingly, such records are no longer at issue and will not be further addressed herein.

[a] A copy of the pension application of the following persons... [Kenneth Ackell, Kenneth Altberg, Charles Ballard, Ronald Bowers, Robert Blantin, Thomas Burke, Phillip Curran, Randy Esposito, Richard Gerlach, Sr., George Gomez, Ronald Hollister, Douglas Howley, Douglas Lyle, Bruce Micalik, Gary Moline, Michael Pascuzzi, James Patton, James Pearce, Mark Perry, Michael Speed, Kevin Sullivan, James Thorne, Edward Vachobetz, Robert Vosburgh].... This request includes but is not limited to all medical reports and records, all correspondence, all pension applications, all pension board records, all requests for documents, all e-mails, and all personnel documents.

[b] A copy of the sick leave or injury leave requests or applications of the [24 individuals listed in section [a], above].

[c] A copy of all records or reports, dated between January 1, 2005 and January 1, 2010, related to medical evaluations or IMEs performed by [30 specified] medical providers in connection with pension, sick leave or injury requests or applications by any Danbury City employee.

3. It is found that on or about February 23, 2011, the respondents sent a letter to the complainant acknowledging her February 16th request.

4. It is also found that on or about February 23, 2011, the respondents provided notice to the 24 individuals (or their designees) referenced in paragraphs 2[a] and 2[b], above, of the complainant's February 16th records request. It is found that 20 of the 24 individuals filed written objections to the disclosure of the records described in paragraph 2, above. The four individuals who did not file objections were Robert Blantin, Thomas Burke, Richard Gerlach, Sr., and Michael Pascuzzi.²

5. It is further found that, by letter dated June 17, 2011, the respondents informed the complainant that documents responsive to the requests described in paragraphs 2[a] and 2[b], above, were contained in the employees' personnel and medical files, and were being withheld pursuant to §1-210(b)(2), G.S. In addition, with respect to the request described in 2[c], above, the respondents informed the complainant that they were unable to identify all individuals affected by the request, but that they had determined that the types of records requested were personnel or medical files, the disclosure of which would constitute an invasion of privacy.

6. By letter dated July 12, 2011, and filed on July 14, 2011, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her with copies of the records described in paragraph 2, above.

7. Section 1-200(5), G.S., defines "public records or files" as:

² The Commission takes note that Robert Blantin filed an objection to an earlier FOI request by the complainant in July 2010 for some of the same records. The complainant's February 16th request, however, is more expansive and an objection has not been filed with respect to the disclosure of all the records pertaining to Mr. Blantin, which are at issue in this matter.

any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

8. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with section 1-212. [Emphasis added.]

9. Section 1-212(a), G.S., provides in relevant part that “any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

10. It is found that the records requested by the complainant are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S., unless they are exempt from disclosure.

11. At the hearing in this matter, as well as in their post-hearing brief, the respondents claimed that any records responsive to the complainant's February 16th request were exempt from disclosure pursuant to §§1-210(b)(2), 1-210(b)(10), 52-146c, 52-146d, 52-146e and 52-146o, G.S. The respondents also claimed that disclosure would violate the employees' right to privacy as defined by both common law and the Substantive Due Process Clause of the Fourteenth Amendment to the U.S. Constitution as well as the Americans with Disabilities Act and the Family and Medical Leave Act.

12. At the conclusion of the hearing, the respondents submitted a computer disk, containing 1888 pages of unredacted³ copies of the records described in paragraphs 2[a] and 2[b], above, to the Commission for in camera review. The in camera records have been marked by the Commission and are hereinafter identified as IC-2011-370-1 through IC-2011-370-1888.⁴

³ The Commission takes note that the following in camera records are partially illegible: IC-2011-370-895, IC-2011-370-947, IC-2011-370-948, IC-2011-370-955, IC-2011-370-956, IC-2011-370-1026, IC-2011-370-1320, IC-2011-370-1370, IC-2011-370-1441, IC-2011-370-1460, IC-2011-370-1562, IC-2011-370-1579, IC-2011-370-1583, IC-2011-370-1594, IC-2011-370-1596, IC-2011-370-1608, IC-2011-370-1695, IC-2011-370-1696, IC-2011-370-1702 and IC-2011-370-1859.

⁴ The Commission takes note that the records on the in camera index identified as ##228, 295, 1031, 1032, 1033, 1034, 1035, 1418 and 1419, do not contain information pertaining to the individual who is

13. On the in camera index, the respondents claim that the in camera records, described in paragraph 12, above, are exempt from disclosure pursuant to §§1-210(b)(2) and 1-210(b)(10), G.S., respectively. The respondents do not claim, on the index, that such in camera records are specifically exempt from disclosure pursuant to §§52-146c, 52-146d, 52-146e or 52-146o, G.S.⁵

14. The respondents claimed that the following in camera records are exempt pursuant to §1-210(b)(10), G.S.: *See Endnote 1*. It is found that such in camera records, *to the extent identifiable*, consist primarily of the following:⁶

- a. physical examination reports;
- b. hospital records;
- c. work status and injury worksheets;
- d. excused absence records;
- e. work capacity reports;

identified on the index. Rather, such in camera records pertain to other individuals whose records are at issue. Similarly, the records on the in camera index identified as ##138 and 1005 do not contain information pertaining to any individual whose records are at issue, and therefore do not fall within the scope of the complainant's February 16th request.

⁵ Section 52-146c, G.S., provides, in relevant part, that "in civil and criminal actions, in juvenile, probate, commitment and arbitration proceedings, in proceedings preliminary to such actions or proceedings, and in legislative and administrative proceedings, all communications shall be privileged and a psychologist shall not disclose any such communications unless the person or his authorized representative consents to waive the privilege and allow such disclosure." Section 52-146c(a)(3) defines "communications" as "all oral and written communications and records thereof relating to the diagnosis and treatment of a person between such person and a psychologist or between a member of such person's family and a psychologist."

Section 52-146e, G.S., provides, in relevant part, that "all communications and records as defined in section 52-146d shall be confidential and shall be subject to the provisions of sections 52-146d to 52-146j, inclusive." Section 52-146d defines "communications and records" as "all oral and written communications and records thereof relating to diagnosis or treatment of a patient's mental condition between the patient and a psychiatrist, or between a member of the patient's family and a psychiatrist, or between any of such persons and a person participating under the supervision of a psychiatrist in the accomplishment of the objectives of diagnosis and treatment, wherever made, including communications and records which occur in or are prepared at a mental health facility."

Section 52-146o, G.S., provides, in relevant part, that "in any civil action or any proceeding preliminary thereto or in any probate, legislative or administrative proceeding, a physician or surgeon, as defined in subsection (b) of section 20-7b, shall not disclose (1) any communication made to him by, or any information obtained by him from, a patient or the conservator or guardian of a patient with respect to any actual or supposed physical or mental disease or disorder or (2) any information obtained by personal examination of a patient, unless the patient or his authorized representative explicitly consents to such disclosure."

⁶ On the index, the respondents described such records as simply personnel, medical and similar files, and did not indicate what *types* of records were being submitted for in camera review.

- f. fit and unfit for duty notifications;
- g. certificates of care;
- h. pension board's evaluator's summary forms; and
- i. independent medical examination reports.

15. Section 1-210(b)(10), G.S., provides that disclosure is not required of "communications privileged by the...doctor-patient relationship, therapist-patient relationship or any other privilege established by the common law or the general statutes...."

16. Upon careful review, it is concluded that the records described in paragraph 14, above, are exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents did not violate the FOI Act by withholding them from the complainant.⁷

17. The respondents also claimed that the following in camera records are exempt pursuant to §1-210(b)(10), G.S.: IC-2011-370-87, IC-2011-370-544, IC-2011-370-545, IC-2011-370-552, IC-2011-370-579, IC-2011-370-587, IC-2011-370-592, IC-2011-370-593, IC-2011-370-599, IC-2011-370-611, IC-2011-370-970, IC-2011-370-1255, IC-2011-370-1391, IC-2011-370-1411 and IC-2011-370-1848.

18. It is found that the in camera records described in paragraph 17, above, *to the extent identifiable*, consist primarily of documents pertaining to accident and injury reports and investigations (associated with worker compensation claims), absence records, sick leave requests, requests for pensions, requests for fitness for duty evaluations and pension eligibility.

19. Upon careful review, it is concluded that the records described in paragraph 17, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S.

20. With respect to the remainder of the in camera records, the respondents claim that such records are exempt from disclosure pursuant to §1-210(b)(2), G.S.

21. Section 1-210(b)(2), G.S., provides that disclosure is not required of "[p]ersonnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy...."

22. Section 1-214, G.S., sets forth, in relevant part:

- (b) Whenever a public agency receives a request to inspect or copy records contained in any of its employees' personnel or medical files and similar files and the agency reasonably believes that the disclosure of such records would legally constitute an invasion of privacy, the agency shall immediately notify in writing (1) each employee concerned, provided such notice shall not be required to

⁷ On the in camera index, the respondents also claim that the in camera records described in paragraph 14, above, are exempt from disclosure pursuant to §1-210(b)(2), G.S. However, in view of the conclusion in paragraph 16, above, there is no need to address any further exemptions with respect to such records.

be in writing where impractical due to the large number of employees concerned and (2) the collective bargaining representative, if any, of each employee concerned. Nothing herein shall require an agency to withhold from disclosure the contents of personnel or medical files and similar files when it does not reasonably believe that such disclosure would legally constitute an invasion of personal privacy.

(c) A public agency which has provided notice under subsection (b) of this section shall disclose the records requested unless it receives a written objection from the employee concerned or the employee's collective bargaining representative, if any, within seven business days from the receipt by the employee or such collective bargaining representative of the notice or, if there is no evidence of receipt of written notice, not later than nine business days from the date the notice is actually mailed, sent, posted or otherwise given.

Each objection filed under this subsection shall be on a form prescribed by the public agency, which shall consist of a statement to be signed by the employee or the employee's collective bargaining representative, under the penalties of false statement, that to the best of his knowledge, information and belief there is good ground to support it and that the objection is not interposed for delay. Upon the filing of an objection as provided in this subsection, the agency shall not disclose the requested records unless ordered to do so by the Freedom of Information Commission pursuant to section 1-206....

23. It is found that, by email dated January 11, 2012, approximately eleven months after the complainant's February 16th request, the respondents notified the bargaining unit representatives for the following four unions of the request for records described in paragraph 2[c], above: (1) DMEA, UPSEU, Local 424, Unit 14, (2) Danbury Fire Fighters, Local 801, IAFF, (3) Danbury Police Union Local 891 and (4) Teamsters Local Union #677 for Public Works, Public Utilities and Public Buildings Divisions. It is further found that the respondents informed the union representatives that, even though they were unable to ascertain which employees may be affected by the request due to the nature and scope of the request, the respondents were providing them, as the bargaining unit representatives for their respective union employees, the opportunity to object on the employees' behalf. It is found that objections to disclosure of any records responsive to the request described in paragraph 2[c], above, were filed by the aforementioned bargaining unit representatives on behalf of their respective bargaining unit members.

24. With respect to the following 164 in camera records, it is found that such records pertain to Thomas Burke, Robert Blantin and Michael Pascuzzi, who did not file written

objections to the disclosure of their respective records, as described in paragraph 4, above:⁸ IC-2011-370-85, IC-2011-370-86, IC-2011-370-87, IC-2011-370-89, IC-2011-370-90, IC-2011-370-91, IC-2011-370-92, IC-2011-370-93, IC-2011-370-94, IC-2011-370-96, IC-2011-370-97, IC-2011-370-98, IC-2011-370-99, IC-2011-370-100, IC-2011-370-101, IC-2011-370-102, IC-2011-370-103, IC-2011-370-105, IC-2011-370-106, IC-2011-370-147, IC-2011-370-148, IC-2011-370-150, IC-2011-370-151, IC-2011-370-152, IC-2011-370-153, IC-2011-370-154, IC-2011-370-155, IC-2011-370-156, IC-2011-370-157, IC-2011-370-158, IC-2011-370-159, IC-2011-370-161, IC-2011-370-162, IC-2011-370-163, IC-2011-370-164, IC-2011-370-165, IC-2011-370-166, IC-2011-370-167, IC-2011-370-168, IC-2011-370-171, IC-2011-370-174, IC-2011-370-176, IC-2011-370-178, IC-2011-370-179, IC-2011-370-180, IC-2011-370-182, IC-2011-370-183, IC-2011-370-185, IC-2011-370-186, IC-2011-370-188, IC-2011-370-189, IC-2011-370-190, IC-2011-370-191, IC-2011-370-192, IC-2011-370-194, IC-2011-370-195, IC-2011-370-196, IC-2011-370-197, IC-2011-370-198, IC-2011-370-199, IC-2011-370-200, IC-2011-370-201, IC-2011-370-202, IC-2011-370-203, IC-2011-370-204, IC-2011-370-205, IC-2011-370-206, IC-2011-370-207, IC-2011-370-208, IC-2011-370-209, IC-2011-370-211, IC-2011-370-212, IC-2011-370-213, IC-2011-370-216, IC-2011-370-221, IC-2011-370-224, IC-2011-370-609, IC-2011-370-610, IC-2011-370-611, IC-2011-370-612, IC-2011-370-613, IC-2011-370-615, IC-2011-370-616, IC-2011-370-617, IC-2011-370-618, IC-2011-370-620, IC-2011-370-621, IC-2011-370-622, IC-2011-370-623, IC-2011-370-624, IC-2011-370-625, IC-2011-370-626, IC-2011-370-627, IC-2011-370-628, IC-2011-370-629, IC-2011-370-630, IC-2011-370-631, IC-2011-370-632, IC-2011-370-633, IC-2011-370-634, IC-2011-370-635, IC-2011-370-636, IC-2011-370-639, IC-2011-370-640, IC-2011-370-642, IC-2011-370-643, IC-2011-370-644, IC-2011-370-646, IC-2011-370-647, IC-2011-370-648, IC-2011-370-649, IC-2011-370-650, IC-2011-370-651, IC-2011-370-652, IC-2011-370-653, IC-2011-370-654, IC-2011-370-656, IC-2011-370-657, IC-2011-370-658, IC-2011-370-659, IC-2011-370-661, IC-2011-370-662, IC-2011-370-665, IC-2011-370-666, IC-2011-370-668, IC-2011-370-669, IC-2011-370-670, IC-2011-370-671, IC-2011-370-672, IC-2011-370-673, IC-2011-370-674, IC-2011-370-675, IC-2011-370-676, IC-2011-370-677, IC-2011-370-678, IC-2011-370-679, IC-2011-370-680, IC-2011-370-681, IC-2011-370-682, IC-2011-370-683, IC-2011-370-684, IC-2011-370-685, IC-2011-370-687, IC-2011-370-690, IC-2011-370-691, IC-2011-370-692, IC-2011-370-693, IC-2011-370-694, IC-2011-370-695, IC-2011-370-697, IC-2011-370-698, IC-2011-370-699, IC-2011-370-701, IC-2011-370-702, IC-2011-370-708, IC-2011-370-709, IC-2011-370-710, IC-2011-370-711, IC-2011-370-713, IC-2011-370-718, IC-2011-370-719, IC-2011-370-720, IC-2011-370-721, IC-2011-370-722, IC-2011-370-728 and IC-2011-370-729.

25. It is concluded that with regard to the in camera records described in paragraph 24, above, the respondents violated §1-214(c), G.S., when they failed to disclose such records even though the individuals whose records were at issue did not file objections to disclosure of their records, which were responsive to the requests described in paragraph 2, above. It is further concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by not providing the complainant with copies of such records.

⁸ On brief, the respondents' attorney represented that all of the existing documents relevant to Richard Gerlach, Sr., who also did not file a written objection, were provided to the complainant, and therefore, are not listed on the in camera index nor were they provided to the Commission for in camera inspection. The Commission takes note of this representation, and lacking an objection from the complainant, will not further address such documents.

26. With respect to whether the remainder of the in camera records are exempt from disclosure pursuant to §1-210(b)(2), G.S., the Supreme Court set forth the test for the exemption contained in §1-210(b)(2), G.S., in Perkins v. Freedom of Information Commission, 228 Conn. 158, 175 (1993). The claimant must first establish that the files in question are personnel, medical or similar files. Second, the claimant must show that disclosure of the records would constitute an invasion of personal privacy. In determining whether disclosure would constitute an invasion of personal privacy, the claimant must establish both of two elements: first, that the information sought does not pertain to legitimate matters of public concern, and second, that the disclosure of such information is highly offensive to a reasonable person. The Commission takes administrative notice of the multitude of court rulings, commission final decisions (*see endnote 2*), and instances of advice given by the Commission staff members (*see endnote 3*), which have relied upon the Perkins test, since its release in 1993.

27. It is found that the remainder of the in camera records, *to the extent identifiable*, consist primarily of the following:

- a. physical examination reports;
- b. hospital records;
- c. work status reports;
- d. employer accident or injury reports and supervisor's reports and investigations (associated with worker compensation claims);
- e. return to work notices;
- f. verifications of disability notices and absence records;
- g. excused absence records;
- h. work capacity reports;
- i. fit and unfit for duty notifications;
- j. certificates of care;
- k. employer inquiries to medical professionals;
- l. notices of retirement and pension requests;
- m. employer requests for medical evaluations;
- n. pension board's evaluator's summary forms; and
- o. independent medical examination reports.

28. Upon careful review, it is found that the in camera records described in paragraph 27, above, are "personnel, medical and similar" files within the meaning of §1-210(b)(2), G.S.

PHYSICAL EXAMS & HOSPITAL RECORDS

29. With respect to the disclosure of the records described in paragraphs 27[a] and 27[b], above, it is found that disclosure of the following in camera records, in their entirety, would constitute an invasion of privacy because the information contained in such records does not pertain to legitimate matters of public concern, and the disclosure of such information would be highly offensive to a reasonable person: IC-2011-370-556, IC-2011-370-745, IC-2011-370-776, IC-2011-370-1028 and IC-2011-370-1481 through IC-2011-370-1482.

30. Accordingly, it is concluded that the in camera records described in paragraph 29, above, are exempt from disclosure pursuant to §1-210(b)(2), G.S., and that the respondents did not violate the disclosure provisions of the FOI Act by denying the complainant copies of such records.

31. It is found that the following in camera records contain information pertaining to a public employee's work status and fitness for duty (including references to affected body parts), and thereby pertain to legitimate matters of public concern, and that disclosure of such records, in their entirety, would not be highly offensive to a reasonable person: IC-2011-370-388, IC-2011-370-730, IC-2011-370-1320, IC-2011-370-1579, IC-2011-370-1583, IC-2011-370-1594, IC-2011-370-1596 and IC-2011-370-1728.

32. It is concluded that the disclosure of the in camera records described in paragraph 31, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

33. It is further found that IC-2011-370-1256 and IC-2011-370-1370 also contain information detailing work status, fitness for duty and work limitations/restrictions, and thereby pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person.

34. It is further found, however, that IC-2011-370-1256 and IC-2011-370-1370 also contain references to *specific* medications. It is found that such information does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a reasonable person. Consequently, the portions of IC-2011-370-1256 and IC-2011-370-1370 containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S., and may be redacted from the in camera records.

35. It is concluded that, except for the disclosure of specific medications as described in paragraph 34, above, the disclosure of IC-2011-370-1256 and IC-2011-370-1370 would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

WORK STATUS REPORTS

36. With respect to the disclosure of the records described in paragraph 27[c], above, it is found that the following in camera records contain information pertaining to a public employee's work status and attendance, fitness for duty and work limitations/restrictions (including references to affected body parts), and thereby pertain to legitimate matters of public concern, and that disclosure of such records, in their entirety, would not be highly offensive to a reasonable person: IC-2011-370-23, IC-2011-370-24, IC-2011-370-25, IC-2011-370-26, IC-2011-370-31, IC-2011-370-293, IC-2011-370-323, IC-2011-370-324, IC-2011-370-325, IC-2011-370-406, IC-2011-370-526, IC-2011-370-764, IC-2011-370-765, IC-2011-370-1151, IC-

2011-370-1371, IC-2011-370-1378, IC-2011-370-1498, IC-2011-370-1633, IC-2011-370-1634 and IC-2011-370-1722 and IC-2011-370-1858.

37. It is concluded that the disclosure of the in camera records described in paragraph 36, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

38. It is found that the following in camera records, except for the portions of such records identified in paragraph 39, below, also consist of information pertaining to a public employee's work status and attendance, fitness for duty and work limitations/restrictions (including references to affected body parts), and thereby pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person: IC-2011-370-39, IC-2011-370-288, IC-2011-370-289, IC-2011-370-529, IC-2011-370-535, IC-2011-370-537, IC-2011-370-555, IC-2011-370-870, IC-2011-370-873, IC-2011-370-875, IC-2011-370-877, IC-2011-370-879, IC-2011-370-897, IC-2011-370-899, IC-2011-370-1102, IC-2011-370-1164, IC-2011-370-1169, IC-2011-370-1380, IC-2011-370-1506, IC-2011-370-1624 and IC-2011-370-1629.

39. It is found that portions of the in camera records described in paragraph 38, above, also contain information pertaining to *specific* medical diagnoses. It is found that such information does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a reasonable person. Consequently, the portions of the in camera records containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S., and may be redacted from the in camera records described in paragraph 38, above.

40. It is concluded that, except for the information pertaining to specific medical diagnoses as described in paragraph 39, above, the disclosure of the in camera records described in paragraph 38, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

ACCIDENT & INJURY REPORTS and INVESTIGATIONS

41. With respect to the disclosure of the records described in paragraphs 27[d], above, it is found that the following in camera records consist primarily of accident and injury reports and investigations associated with worker's compensation claims for payment of medical care: *See Endnote 4.*

42. It is found that the in camera records described in paragraph 41, above, pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person. It is concluded that the disclosure of such records, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records

are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

43. It is found that the following in camera records, except for the portions of such records identified in paragraph 44, below, also consist of accident and injury reports and investigations associated with worker's compensation claims for payment of medical care, and thereby pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person: IC-2011-370-10, IC-2011-370-11, IC-2011-370-35, IC-2011-370-266, IC-2011-370-341, IC-2011-370-342, IC-2011-370-430, IC-2011-370-431, IC-2011-370-814, IC-2011-370-815, IC-2011-370-858, IC-2011-370-888, IC-2011-370-889, IC-2011-370-966, IC-2011-370-967, IC-2011-370-1139, IC-2011-370-1140, IC-2011-370-1144, IC-2011-370-1145, IC-2011-370-1171, IC-2011-370-1172, IC-2011-370-1173, IC-2011-370-1305, IC-2011-370-1306, IC-2011-370-1311, IC-2011-370-1313, IC-2011-370-1336, IC-2011-370-1357, IC-2011-370-1358, IC-2011-370-1618 and IC-2011-370-1619.

44. It is found that portions of the in camera records described in paragraph 43, above, contain information pertaining to *specific* medications and medical diagnoses. In addition, it is found that IC-2011-370-1311, IC-2011-370-1313 and IC-2011-370-1336 also contain information pertaining to *specific* treatment administered. It is found that such information pertaining to medications, diagnoses and treatment does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a reasonable person. Consequently, the portions of the in camera records containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S., and may be redacted from the in camera records described in paragraph 43, above.

45. It is concluded that, except for the portions of such records described in paragraph 44, above, the disclosure of the in camera records described in paragraph 43, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

RETURN TO WORK NOTICES, VERIFICATION OF
DISABILITY NOTICES and ABSENCE RECORDS

46. With respect to the disclosure of the records described in paragraphs 27[e] and 27[f], above, it is found that the following in camera records consist primarily of general information pertaining to a public employee's attendance (in part, related to worker's compensation claims) and work limitations/restrictions (including references to affected body parts): *See Endnote 5.*

47. It is found that the information described in paragraph 46, above, pertains to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person.

48. It is therefore concluded that the disclosure of the in camera records described in paragraph 46, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of

such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

49. It is further found that IC-2011-370-1343 and IC-2011-370-1351 consist primarily of general information pertaining to a public employee's attendance and work limitations/restrictions. It is found, however, that portions of such records also contain information pertaining to *specific* medical diagnoses and procedures. It is found that such information does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a reasonable person. Consequently, the portions of the in camera records containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S., and may be redacted from such in camera records.

50. It is concluded that, except for the information pertaining to specific medical diagnoses and procedures as described in paragraph 49, above, the disclosure of IC-2011-370-1343 and IC-2011-370-1351, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

51. It is also found that the following in camera records pertain to leaves of absence: 2011-370-515, IC-2011-370-536, IC-2011-370-538, IC-2011-370-539, IC-2011-370-540, IC-2011-370-541, IC-2011-370-542, IC-2011-370-543, IC-2011-370-599, IC-2011-370-780 through IC-2011-370-781, IC-2011-370-782 through IC-2011-370-785.

52. It is found that the in camera records described in paragraph 51, above, pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person. Accordingly, it is concluded that the disclosure of such records would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

EXCUSED ABSENCES, FIT & UNFIT FOR DUTY NOTIFICATIONS,
WORK CAPACITY REPORTS and CERTIFICATES OF CARE

53. With respect to the disclosure of the records described in paragraphs 27[g], 27[h], 27[i], 27[j] and 27[k], above, it is found that the following in camera records consist of information pertaining to work status, attendance, fitness for duty and work limitations/restrictions (including references to affected body parts) forwarded primarily by physicians to a public agency: *See Endnote 6.*

54. It is found that the information described in paragraph 53, above, pertains to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person.

55. It is found that the following in camera records, except for the portions of such records identified in paragraph 56, below, also consist of information pertaining to work status, attendance, fitness for duty and work limitations/restrictions (including references to affected body parts), and thereby pertain to legitimate matters of public concern, and that disclosure of such records would not be highly offensive to a reasonable person: *See Endnote 7.*

56. It is found, however, that portions of the in camera records described in paragraph 55, above, also contain information pertaining to *specific* medical diagnoses. It is further found that such information does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a reasonable person. Consequently, the portions of the in camera records containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S.

57. It is concluded that, except for the portions of such records described in paragraph 56, above, the disclosure of the in camera records described in paragraph 55, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

PENSION-RELATED RECORDS & IMEs

58. With respect to the disclosure of the records described in paragraphs 27[l], 27[m], 27[n] and 27[o], above, upon careful review, it is found that the following in camera records consist of information pertaining to requests for pension, fitness for duty and pension evaluations and eligibility, and thereby pertain to legitimate matters of public concern, and that disclosure of such records, in their entirety, would not be highly offensive to a reasonable person: IC-2011-370-66, IC-2011-370-69, IC-2011-370-72, IC-2011-370-365, IC-2011-370-367, IC-2011-370-443, IC-2011-370-453, IC-2011-370-467, IC-2011-370-552, IC-2011-370-553, IC-2011-370-576, IC-2011-370-581, IC-2011-370-587, IC-2011-370-588, IC-2011-370-590, IC-2011-370-591, IC-2011-370-592, IC-2011-370-593, IC-2011-370-598, IC-2011-370-605, IC-2011-370-608, IC-2011-370-787, IC-2011-370-789, IC-2011-370-911, IC-2011-370-919, IC-2011-370-920, IC-2011-370-921, IC-2011-370-922, IC-2011-370-935, IC-2011-370-941, IC-2011-370-1175, IC-2011-370-1195, IC-2011-370-1657, IC-2011-370-1659, IC-2011-370-1745, IC-2011-370-1747 through IC-2011-370-1748, IC-2011-370-1752, IC-2011-370-1823, IC-2011-370-1827 and IC-2011-370-1877.

59. It is concluded that the disclosure of the in camera records described in paragraph 58, above, would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

60. It is further found that IC-2011-370-440, IC-2011-370-795 and IC-2011-370-970, consist of information pertaining to requests for pension, fitness for duty and pension evaluations and eligibility. It is found, however, that portions of such records also contain information pertaining to *specific* medical diagnoses. It is found that disclosure of such information does not pertain to legitimate matters of public concern, and that disclosure would be highly offensive to a

reasonable person. It is further found that the portions of these in camera records containing such information are not subject to disclosure pursuant to §1-210(b)(2), G.S., and may be redacted from such in camera records.

61. It is concluded that, except for the information pertaining to specific medical diagnoses as described in paragraph 60, above, the disclosure of IC-2011-370-440, IC-2011-370-795 and IC-2011-370-970 would not constitute an invasion of privacy within the meaning of §1-210(b)(2), G.S., and that such records are not exempt from mandatory disclosure by virtue of such provision. It is further concluded that the respondents violated the FOI Act by denying the complainant copies of such records.

62. With respect to the complainant's request for records described in paragraph 2[c], above, the respondents represented that they attempted to search for records responsive to such request, but determined that notifying all of the employees affected by such request would be impossible. According to the respondents, since there is no master database recording which employee sees which doctor, a search for any responsive records to the request described in paragraph 2[c], above, would require the respondents to manually pull every personnel and medical file of all employees of the City of Danbury.

63. It is found that the FOI Act requires a public agency to comply with even a broad request for specific records. Docket #FIC 1987-188, Rubinowitz et al. v. Greenwich Emergency Medical Service, et al. ("time-consuming" process of culling response times for disclosure from oversized volume of dispatch records containing lengthy patient and other information does not excuse compliance with complainants' request); Docket #FIC 1992-071, Fromer v. New London Director of Law (complainant entitled to records despite respondent's claim that search would be "overly burdensome and time-consuming"); also see William E. Wildin v. FOIC, 56 Conn. App. 683, 687 (2000) (agency not excused from complying with "burdensome" request).

64. It is found that the respondents are obligated to search for the requested records, even if such search is time-consuming. It is further concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to provide the complainant with any records responsive to the request described in paragraph 2[c], above.

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


1. The respondents shall forthwith provide the complainant with copies of the in camera records described in paragraphs 24, 31, 33, 36, 38, 41, 43, 46, 49, 51, 53, 55, 58 and 60 of the findings, above.

2. In complying with paragraph 1 of the order, above, the respondents may redact those portions found to be exempt pursuant to §1-210(b)(2), G.S.

3. The respondents shall forthwith search for and provide the complainant with copies of all records responsive to the request described in paragraph 2[c] of the findings, above, but may redact portions of such records consistent with the findings, above.

4. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

5. The Commission takes note that this complex matter was further complicated by the respondents' lack of attention to detail on the in camera index, and lack of analysis of the exemptions claimed and their application to the specific records at issue. Also, the Commission reminds the respondents that it is their burden to prove the exemptions to disclosure under the FOI Act.


Commissioner Sherman D. London
as Hearing Officer

ENDNOTES**1. SECTION 1-210(b)(10), G.S., ANALYSIS:**

IC-2011-370-5, IC-2011-370-14, IC-2011-370-15, IC-2011-370-18, IC-2011-370-27, IC-2011-370-40, IC-2011-370-64, IC-2011-370-67, IC-2011-370-70 through IC-2011-370-71, IC-2011-370-73 through IC-2011-370-79, IC-2011-370-81, IC-2011-370-88, IC-2011-370-95, IC-2011-370-104, IC-2011-370-119, IC-2011-370-120, IC-2011-370-125, IC-2011-370-149, IC-2011-370-160, IC-2011-370-169, IC-2011-370-170, IC-2011-370-172, IC-2011-370-173, IC-2011-370-175, IC-2011-370-177, IC-2011-370-181, IC-2011-370-184, IC-2011-370-187, IC-2011-370-193, IC-2011-370-210, IC-2011-370-214, IC-2011-370-215, IC-2011-370-217 through IC-2011-370-219, IC-2011-370-220, IC-2011-370-222 through IC-2011-370-223, IC-2011-370-225 through IC-2011-370-227, IC-2011-370-234, IC-2011-370-236, IC-2011-370-255, IC-2011-370-259, IC-2011-370-261, IC-2011-370-263, IC-2011-370-265, IC-2011-370-303, IC-2011-370-308, IC-2011-370-311, IC-2011-370-320, IC-2011-370-339 through IC-2011-370-340, IC-2011-370-347, IC-2011-370-348, IC-2011-370-360 through IC-2011-370-361, IC-2011-370-364, IC-2011-370-366, IC-2011-370-368 through IC-2011-370-373, IC-2011-370-374 through IC-2011-370-376, IC-2011-370-377, IC-2011-370-382, IC-2011-370-391 through IC-2011-370-392, IC-2011-370-393, IC-2011-370-405, IC-2011-370-413, IC-2011-370-437, IC-2011-370-441, IC-2011-370-442, IC-2011-370-444 through IC-2011-370-452, IC-2011-370-454 through IC-2011-370-466, IC-2011-370-473, IC-2011-370-475, IC-2011-370-476, IC-2011-370-493, IC-2011-370-494, IC-2011-370-498, IC-2011-370-502, IC-2011-370-503, IC-2011-370-524, IC-2011-370-525, IC-2011-370-528, IC-2011-370-533, IC-2011-370-554, IC-2011-370-594 through IC-2011-370-595, IC-2011-370-596, IC-2011-370-600, IC-2011-370-601 through IC-2011-370-604, IC-2011-370-606 through IC-2011-370-607, IC-2011-370-614, IC-2011-370-619, IC-2011-370-637, IC-2011-370-638, IC-2011-370-641, IC-2011-370-645, IC-2011-370-655, IC-2011-370-660, IC-2011-370-663, IC-2011-370-664, IC-2011-370-667, IC-2011-370-686, IC-2011-370-688, IC-2011-370-689, IC-2011-370-696, IC-2011-370-700, IC-2011-370-703 through IC-2011-370-707, IC-2011-370-712, IC-2011-370-714, IC-2011-370-715, IC-2011-370-716, IC-2011-370-717, IC-2011-370-723 through IC-2011-370-724, IC-2011-370-725 through IC-2011-370-726, IC-2011-370-727, IC-2011-370-738, IC-2011-370-739, IC-2011-370-740, IC-2011-370-741, IC-2011-370-746, IC-2011-370-747, IC-2011-370-748, IC-2011-370-749, IC-2011-370-754, IC-2011-370-757, IC-2011-370-790, IC-2011-370-791 through IC-2011-370-792, IC-2011-370-793 through IC-2011-370-794, IC-2011-370-804, IC-2011-370-805, IC-2011-370-818, IC-2011-370-825, IC-2011-370-835, IC-2011-370-853, IC-2011-370-871, IC-2011-370-874, IC-2011-370-876, IC-2011-370-878, IC-2011-370-895, IC-2011-370-898, IC-2011-370-900, IC-2011-370-912, IC-2011-370-915, IC-2011-370-924 through IC-2011-370-934, IC-2011-370-936 through IC-2011-370-940, IC-2011-370-942 through IC-2011-370-946, IC-2011-370-947, IC-2011-370-948, IC-2011-370-955, IC-2011-370-956, IC-2011-370-963, IC-2011-370-968, IC-2011-370-971, IC-2011-370-972 through IC-2011-370-974, IC-2011-370-975 through IC-2011-370-976, IC-2011-370-977, IC-2011-370-978, IC-2011-370-988, IC-2011-370-998, IC-2011-370-999, IC-2011-370-1004, IC-2011-370-1007, IC-2011-370-1013, IC-2011-370-1017, IC-2011-370-1018, IC-2011-370-1025, IC-2011-370-1026, IC-2011-370-1027, IC-2011-370-1030, IC-2011-370-1034, IC-2011-370-1047, IC-2011-370-1052, IC-2011-370-1056, IC-2011-370-1060, IC-2011-370-1061, IC-2011-370-1069, IC-2011-370-1072, IC-2011-370-1078, IC-2011-370-1112, IC-2011-370-1115, IC-2011-370-1123, IC-2011-370-1128, IC-2011-370-1142, IC-2011-370-1143, IC-2011-370-1149, IC-2011-370-1150, IC-2011-370-1176, IC-2011-370-

1189 through IC-2011-370-1193, IC-2011-370-1194, IC-2011-370-1196 through IC-2011-370-1202, IC-2011-370-1211 through IC-2011-370-1212, IC-2011-370-1213 through IC-2011-370-1216, IC-2011-370-1217 through IC-2011-370-1219, IC-2011-370-1222, IC-2011-370-1224, IC-2011-370-1228, IC-2011-370-1229, IC-2011-370-1237, IC-2011-370-1238, IC-2011-370-1245, IC-2011-370-1251 through IC-2011-370-1252, IC-2011-370-1259, IC-2011-370-1265, IC-2011-370-1268, IC-2011-370-1270, IC-2011-370-1271 through IC-2011-370-1272, IC-2011-370-1275, IC-2011-370-1278, IC-2011-370-1279, IC-2011-370-1282, IC-2011-370-1285, IC-2011-370-1286, IC-2011-370-1290, IC-2011-370-1293, IC-2011-370-1295 through IC-2011-370-1297, IC-2011-370-1314, IC-2011-370-1321, IC-2011-370-1322, IC-2011-370-1323, IC-2011-370-1324, IC-2011-370-1326, IC-2011-370-1327, IC-2011-370-1328, IC-2011-370-1329, IC-2011-370-1350, IC-2011-370-1352, IC-2011-370-1356, IC-2011-370-1393, IC-2011-370-1396 through IC-2011-370-1405, IC-2011-370-1406, IC-2011-370-1408 through IC-2011-370-1409, IC-2011-370-1410, IC-2011-370-1412, IC-2011-370-1415, IC-2011-370-1443, IC-2011-370-1453, IC-2011-370-1467, IC-2011-370-1485, IC-2011-370-1488, IC-2011-370-1489, IC-2011-370-1490, IC-2011-370-1491, IC-2011-370-1497, IC-2011-370-1509, IC-2011-370-1517, IC-2011-370-1526, IC-2011-370-1531, IC-2011-370-1538, IC-2011-370-1546, IC-2011-370-1547, IC-2011-370-1551, IC-2011-370-1560, IC-2011-370-1564, IC-2011-370-1565, IC-2011-370-1580, IC-2011-370-1584 through IC-2011-370-1589, IC-2011-370-1590, IC-2011-370-1608, IC-2011-370-1630, IC-2011-370-1655, IC-2011-370-1658, IC-2011-370-1660 through IC-2011-370-1665, IC-2011-370-1666, IC-2011-370-1667, IC-2011-370-1668 through IC-2011-370-1669, IC-2011-370-1679 through IC-2011-370-1680, IC-2011-370-1683, IC-2011-370-1690, IC-2011-370-1691, IC-2011-370-1694, IC-2011-370-1695, IC-2011-370-1696 through IC-2011-370-1698, IC-2011-370-1699, IC-2011-370-1702, IC-2011-370-1719, IC-2011-370-1735, IC-2011-370-1742, IC-2011-370-1746, IC-2011-370-1749 through IC-2011-370-1751, IC-2011-370-1759, IC-2011-370-1764, IC-2011-370-1803, IC-2011-370-1804, IC-2011-370-1824 through IC-2011-370-1826, IC-2011-370-1828 through IC-2011-370-1829, IC-2011-370-1833, IC-2011-370-1834 through 1835, IC-2011-370-1836, IC-2011-370-1850 through IC-2011-370-1851, IC-2011-370-1859, IC-2011-370-1878, IC-2011-370-1879 through IC-2011-370-1880, IC-2011-370-1881, IC-2011-370-1882 through IC-2011-370-1884, IC-2011-370-1885 through IC-2011-370-1888.

2. Court Cases and FOIC Decisions

A. Court Cases:

Payne v. City of Danbury, 267 Conn. 669 (2004); Director, Retirement & Benefits Services Div. v. FOIC, 256 Conn. 764 (2001); Rocque v. FOIC, 255 Conn. 651 (2001); Dept. of Public Safety v FOIC, 242 Conn. 79 (1997); Conn. Alcohol & Drug Abuse Commission v. FOIC, 233 Conn.28 (1995); Kurecza v. FOIC, 228 Conn. 271 (1994); First Selectman v. FOIC, 60 Conn. App. 64 (2000); Dept. of Children & Families v. FOIC, 48 Conn. App. 467 (1998); Almeida v. FOIC, 39 Conn. App. 154 (1995); Dept. of Transportation v. FOIC, Super Ct JD NB CV 01-0508810 (Schuman, J. 2001); City Treasurer, City of Hartford v. FOIC, Super Ct JD NB CV 99 0496222 (Cohn, J. 2000); Rocque, Commissioner of Environmental Protection v. FOIC, Super Ct JD NB CV 98 0492734 (Hartmere, J. 1999); Director, Retirement & Benefits Services Div. v. FOIC, Super Ct JD NB CV 98 0492692 (Hartmere, J. 1999); First Selectman, Town of Ridgefield v. FOIC, Super Ct JD NB CV 99-0493041 (McWeeny, J. 1999); Chairman, Bd. of Education Town of Darien v. FOIC, Super Ct JD Htfd NB CV 97 0575674 (McWeeny, J. 1998); Waters, Commissioner of State of Conn. Dept. of Administrative Services v. FOIC, Super Ct JD Htfd/NB CV 96 0565853 (McWeeny, J. 1997); Armstrong, Commissioner of State of Conn. Dept. Of Correction v. FOIC, Super Ct JD Htfd/NB CV 96 0563608 (McWeeny, J. 1997); Dept. of Children & Families v. FOIC, Super Ct JD Htfd NB CV 96 0562546 (McWeeny, J. 1997); State of Conn. Office of Protection and Advocacy for Persons with Disabilities v. FOIC, Super Ct JD Htfd/NB CV 95 0554467 (McWeeny, J. 1997); Youngquist v. FOIC, Super Ct JD Htfd/NB, CV 95 0554601 (McWeeny, J. 1996 and 1997); Cracco v. FOIC, Super Ct JD Htfd/NB, CV 94 0705371 (Dunnell, J. 1995); Cracco v. FOIC, Super Ct JD Htfd NB, CV 93 0705370, (Dunnell, J. 1995); Cracco v. FOIC, Super Ct JD Htfd NB, CV 94 0705369, (Dunnell, J. 1995); Simonds v. FOIC, Super Ct JD Htfd/NB, CV 93 070 41 39 (Maloney, J. 1994); Gallagher v. FOIC, Super Ct JD Htfd/NB, CV 93 0531514 (Maloney, J. 1994).

B. FOIC Decisions

Docket #FIC 2003-285; Frank C. Violissi, Jr. v. First Selectman, Town of Chester (May 26, 2004); Docket #FIC 2003-074; Heather M. Henderson v. State of Connecticut, Department of Public Safety, Legal Affairs Department (Dec. 10, 2003); Docket #FIC 2003-020; Hugh Curran v. Mayor, City of Waterbury (Sept. 10, 2003); Docket #FIC 2002-580; Ken Byron and The Hartford Courant v. First Selectman, Town of Westbrook (Sept. 10, 2003); Docket #FIC 2003-038 Chris Dehnel and The Journal Inquirer v. First Selectman, Town of Ellington (Aug. 27, 2003); Docket #FIC 2002-531 Chris Dehnel and Journal Inquirer First Selectman, Town of Ellington (Aug. 27, 2003); Docket #FIC 2003-055; Robert Mack v. Director, State of Connecticut, Department of Correction, Labor Relations (July 23, 2003); Docket #FIC 2002-345; Josh Kovner, Chris Keating, and The Hartford Courant v. Chief, Police Department, City of Middletown (July 23, 2003); Docket #FIC 2002-338; Amy L. Zitka and The Middletown Press v. Chief, Police Department, City of Middletown; and Professional Standards Unit Supervisor, Police Department, City of Middletown (July 23, 2003); Docket #FIC 2002-465; Fred Radford v. Chairman, Police Commission, Town of Trumbull; and Chief, Police Department, Town of Trumbull (July 9, 2003); Docket #FIC 2002-118; Kimberly W. Moy and the Hartford Courant v. Superintendent of Schools, Southington Public Schools (Feb. 26, 2003); Docket #FIC 2002-020;

Maurice Timothy Reidy and The Hartford Courant v. Chief, Police Department, Town of Newington and Brendan Fitzgerald (Oct. 23, 2002); Docket #FIC 2001-489 Jonathan Kellogg, Trip Jennings and Waterbury Republican-American Chief, Police Department, Borough of Naugatuck and Rick Smolicz (Sept. 25, 2002); Docket #FIC 2002-173; Carrie J. Campion v. Director, Department of Human Resources, Town of Fairfield (Aug. 28, 2002); Docket #FIC 2001-425 Joseph Mincewicz, Commissioner, State of Connecticut, Department of Public Safety, Division of State Police; and State of Connecticut, Department of Public Safety, Division of State Police (Aug. 28, 2002); Docket #FIC 2001-421 Jean M. Morningstar and University Health Professionals Local 3837, AFT-CFEPE, AFL-CIO v. Executive Vice President for Health Affairs, State of Connecticut, University of Connecticut Health Center; and State of Connecticut, University of Connecticut Health Center; and Justin Radolf, M.D., Director, Center for Microbial Pathogenesis, School of Medicine, University of Connecticut Health Center (Aug. 28, 2002); Docket #FIC 2002-093 Sean P. Turpin v. Director, Department of Human Resources, Town of Greenwich and Steve Demetri (July 24, 2002); Docket #FIC 2002-034; MariAn Gail Brown, Michael P. Mayko and Connecticut Post Michael Lupkas, Comptroller, City of Bridgeport; Christopher Duby, Chief of Staff, City of Bridgeport; Mark Anastasi, City Attorney, City of Bridgeport; and Gregory Conte, Deputy Chief of Staff, City of Bridgeport (June 26, 2002); Docket #FIC 2001-364; Karen Guzman and The Hartford Courant v. City of New Britain Docket (June 26, 2002); Docket #FIC 2001-180 James H. Smith and The Record Journal Publishing Company v. Commissioner, State of Connecticut, Department of Public Safety, Division of State Police; and State of Connecticut, Department of Public Safety, Division of State Police (Feb. 13, 2002); Docket #FIC 2001-129; Kimberly W. Moy and The Hartford Courant v. Police Commission, Town of Southington (Feb. 13, 2002); Docket #FIC 2001-251 Fred Radford v. Chief, Police Department, Town of Trumbull (Jan. 23, 2002); Docket #FIC 2000-624; Eric Gustavson v. Board of Education, Brookfield Public Schools (June 13, 2001); Docket #FIC 2000-557; Wendy John v. Richard Blumenthal, Attorney General, State of Connecticut, Office of the Attorney General; Wil Gundling, William McCullough, Phillip Schulz, Margaret Chapple, Assistant Attorneys General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General (June 13, 2001); Docket #FIC 2000-268; Michael Costanza and The Day v. Director of Utilities, Utilities Department, City of Groton; and Mayor, City of Groton (April 25, 2001); Docket #FIC 2000-198; William J. Stone v. Personnel Administrator, State of Connecticut, Department of Transportation, Bureau of Finance and Administration; and State of Connecticut, Department of Transportation (April 20, 2001); Docket #FIC 2000-537; James Leonard, Jr. v. Chief, Police Department, City of New Britain (March 28, 2001); Docket #FIC 2000-348; Bradshaw Smith v. Office of the Vice Chancellor for Information Services, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut (February 28, 2001); Docket #FIC 2000-474; Robert H. Boone and Journal Inquirer v. Chief, Police Department, Town of Windsor Locks (Jan. 24, 2001); Docket #FIC 2000-265; Lisa Goldberg and The Hartford Courant v. Superintendent of Schools, Vernon Public Schools (Jan. 24, 2001); Docket #FIC 2000-569; Mary Hyde v. Chief, Police Department, Town of Seymour (Dec. 13, 2000); Docket #FIC 2000-049; Nicholas B. Wynn v. Board of Directors, Ansonia Public Library, Town of Ansonia (Dec. 13, 2000); Docket #FIC 2000-136; Thomas E. Lee v. Board of Education, Trumbull Public Schools; and Superintendent of Schools, Trumbull Public Schools (Nov. 29, 2000); Docket #FIC 2000-135; Thomas E. Lee v. Board of Education, Trumbull Public Schools; and Superintendent of Schools, Trumbull Public Schools (Nov. 29, 2000); Docket #FIC2000-086; Mitchell D. Poudrier v. Superintendent of Schools,

Killingly Public Schools (Sept. 13, 2000); Docket #FIC 2000-173; Robert H. Boone and the Journal Inquirer v. Anthony Milano, District Manager, Metropolitan District Commission; and Metropolitan District Commission (Aug. 23, 2000); Docket #FIC 2000-094; James D. Goodwin v. Communications Specialist, State of Connecticut, Department of Social Services, Public and Government Relations Unit (Aug. 9, 2000); Docket #FIC 2000-022; Thedress Campbell v. City Treasurer, City of Hartford (Aug. 9, 2000); Docket #FIC 2000-137; Robert H. Boone and Journal Inquirer v. Metropolitan District Commission (July 12, 2000); Docket #FIC 1999-560; Leo F. Smith v. Robert H. Skinner, First Selectman, Town of Suffield; and Selectmen's Office, Town of Suffield (July 12, 2000); Docket #FIC 1999-556; Delores Annicelli v. Director, New Haven Housing Authority, City of New Haven; and New Haven Housing Authority, City of New Haven (July 12, 2000); Docket #FIC 1999-548; Leo F. Smith v. John P. Lange, Human Resources Director, Town of Suffield; and Department of Human Resources, Town of Suffield (July 12, 2000); Docket #FIC 1999-547; Leo F. Smith v. John P. Lange, Human Resources Director, Town of Suffield; and Department of Human Resources, Town of Suffield (July 12, 2000); Docket #FIC 1999-525; Leo F. Smith v. John P. Lange, Human Resources Director, Town of Suffield; and Department of Human Resources, Town of Suffield (July 12, 2000); Docket #FIC 2000-118; Elizabeth Ganga and Connecticut Post v. Police Department, Town of Stratford (June 28, 2000); Docket #FIC 2000-095; Ron Robillard and the Chronicle v. Chairman, Board of Education, Eastford Public Schools; and Board of Education, Eastford Public Schools (June 28, 2000); Docket #FIC 2000-093; Megan J. Bard and The Norwich Bulletin v. Chairman, Board of Education, Eastford Public Schools; and Board of Education, Eastford Public Schools (June 28, 2000); Docket #FIC 1999-575; Bruce Kaz v. Robert Skinner, First Selectman, Town of Suffield; and Ted Flanders, Building Inspector, Town of Suffield (June 28, 2000); Docket #FIC 1999-519; Robert J. Fortier v. Personnel Director, Town of East Hartford; and Mayor, Town of East Hartford (June 14, 2000); Docket #FIC1999-550; James and Susanne Milewski v. Deputy Chief, Police Department, Town of Clinton; and Police Department, Town of Clinton (May 24, 2000); Docket #FIC 2000-005; Fred B. Feins v. President and Chief Executive Officer, Granby Ambulance Association, Inc., Town of Granby (May 10, 2000); Docket #FIC1999-606; Robert L. Corrado and IBEW Local 90 v. Town Attorney, Town of Hamden; and Electrical Contractors, Inc. (May 10, 2000); Docket #FIC 1999-533; Donald J. Lanouette, Jr. v. Chief, Police Department, Town of Madison; and Police Department, Town of Madison (April 26, 2000); Docket #FIC 1999-502; Christopher Hoffman and New Haven Register v. Director of Personnel, State of Connecticut, Southern Connecticut State University; and Personnel Office, State of Connecticut, Southern Connecticut State University (April 26, 2000); Docket #FIC1999-440; Anne Hamilton and The Hartford Courant James Martino, Chief, Police Department, Town of Avon; Peter A. Agnesi, Lieutenant, Police Department, Town of Avon; and Police Department, Town of Avon (March 8, 2000); Docket #FIC1999-333; Lynn Fredricksen and New Haven Register v. Chief, Police Department, Town of Madison; and Police Department, Town of Madison (March 8, 2000); Docket #FIC 1999-289; Thomas Moran v. Director, Human Resources, Town of Simsbury; and Department of Human Resources, Town of Simsbury (Feb. 9, 2000); Docket #FIC 1999-328; Victor Zigmund v. Director, State of Connecticut, Department of Mental Health and Addiction Services, Human Resources Operations, Connecticut Valley Hospital, Whiting Forensic Division (Jan. 26, 2000); Docket #FIC 1999-100; Janice D'Arcy and The Hartford Courant v. Chief, Police Department, Town of Cheshire; Police Department, Town of Cheshire; Town Manager, Town of Cheshire; and Town of Cheshire (Jan. 26, 2000); Docket #FIC 1999-355; Wayne Mercier v. Patricia C. Washington, Director of Personnel, City of

Hartford; and Department of Personnel, City of Hartford (Nov. 10, 1999); Docket #FIC 1998-391; Jonathan F. Kellogg and The Republican American v. Department of Education, City of Waterbury (Oct. 13, 1999); Docket #FIC 1999-161; Michael W. Cahill v. Chief, Police Department, Town of Hamden; and Police Department, Town of Hamden (Sept. 22, 1999); Docket #FIC 1998-294; Robert J. Bourne v. Department of Public Utilities, City of Norwich, and City of Norwich (Sept. 22, 1999); Docket #FIC 1998-293; Joseph J. Cassidy v. Department of Public Utilities, City of Norwich, and City of Norwich (Sept. 22, 1999); Docket #FIC 1999-040; Judith F. Machuga and State of Connecticut, Division of Public Defender Services, Superior Court, G.A. 13 v. Chief, Police Department, Town of East Windsor; and Police Department, Town of East Windsor (Aug. 25, 1999); Docket #FIC 1999-144; Robert H. Boone and Journal Inquirer v. William Gifford, Chief, Police Department, Town of Windsor Locks; Police Department, Town of Windsor Locks; and Windsor Locks Police Commission (July 28, 1999); Docket #FIC 1999-096; Paul Marks and The Hartford Courant v. Chief, Police Department, Town of Windsor Locks; and Police Department, Town of Windsor Locks (July 28, 1999); Docket #FIC 1999-064; Joan Coe v. First Selectman, Town of Simsbury; Director, Human Resources Department, Town of Simsbury; and Town of Simsbury (July 28, 1999); Docket #FIC 1999-150; Andrew Nargi v. Office of Corporation Counsel, City of Torrington; and City of Torrington (July 14, 1999); Docket #FIC 1999-135; Warren Woodberry, Jr. and The Hartford Courant v. Acting Town Manager, Town of Rocky Hill and Town of Rocky Hill (July 14, 1999); Docket #FIC 1999-015; Richard Manuel Rivera v. Superintendent of Schools, Torrington Public Schools; and Board of Education, Torrington Public Schools (June 9, 1999); Docket #FIC 1998-372; William C. Kaempffer and New Haven Register v. Police Department, City of New Haven; City of New Haven; and James Sorrentino (June 9, 1999); Docket #FIC 1997-361; Dominick L. Santarsiero v. Director, Human Resources, City of Stamford (June 10, 1998); Docket #FIC 1999-019; David K. Jaffe v. State of Connecticut, Connecticut Lottery Corporation, Human Resources; State of Connecticut, Connecticut Lottery Corporation, Security Division; and State of Connecticut, Connecticut Lottery Corporation (April 28, 1999); Docket #FIC1998-325; Virginia Groark and The Day v. Freedom of Information Officer, State of Connecticut, Department of Public Health, Office of Special Services, Communications Division; and Agency Personnel Administrator, State of Connecticut, Department of Public Health, Human Resources Division (April 28, 1999); Docket #FIC 1998-208; Thedress Campbell v. City Treasurer, City of Hartford; and City of Hartford (April 14, 1999); Docket #FIC 1998-265; Benjamin M. Wenograd and Service Employees International Union Local 760 v. John Roughan, Executive Director, East Hartford Housing Authority; and East Hartford Housing Authority, Town of East Hartford (March 24, 1999); Docket #FIC 1997-363; Diana R. Raczkowski v. Mayor, Town of Naugatuck (March 11, 1998); Docket #FIC 1997-307; Krystin Bratina v. Chief, Hartford Fire Department, City of Hartford (March 11, 1998); Docket #FIC 1998-288; Christian Miller and the New Haven Register v. Superintendent, Branford Public Schools; and Board of Education, Branford Public Schools (Feb. 24, 1999); Docket #FIC 1998-255; Joan O'Rourke v. Chief, Police Department, City of Torrington; and Police Department, City of Torrington (Jan. 27, 1999); Docket #FIC 1998-251; John Ward v. Beverly L. Durante, Personnel Administrator, Housatonic Area Regional Transit; and Housatonic Area Regional Transit (Jan. 27, 1999); Docket #FIC 1998-163; Lawrence A. Butts v. Director, State of Connecticut, Department of Environmental Protection, Human Resources Division; and State of Connecticut, Department of Environmental Protection, Human Resources Division (Dec. 9, 1998); Docket #FIC 1998-162; Lawrence A. Butts Chairperson, State of Connecticut, Department of Environmental Protection, Human Resources

Division; and State of Connecticut, Department of Environmental Protection, Human Resources Division (Dec. 9, 1998); Docket #FIC 1998-232; Scott Clark, Amy Kertesz, Michael Gates and the Ridgefield Police Union v. First Selectman, Town of Ridgefield; and Town of Ridgefield (Nov. 18, 1998); Docket #FIC 1998-193; Daniel P. Jones and The Hartford Courant v. Commissioner, State of Connecticut, Department of Environmental Protection; and State of Connecticut, Department of Environmental Protection (Nov. 18, 1998); Docket #FIC 1998-121; Ernie Cantwell and International Association of Firefighters, Local No. 1073 v. Director, Personnel Department, City of Middletown and Personnel Department, City of Middletown (Oct. 14, 1998); Docket #FIC 1998-120; Ernie Cantwell and International Association of Firefighters, Local No. 1073 v. Director, Personnel Department, City of Middletown (Oct. 14, 1998); Docket #FIC 1998-094; Janice D'Arcy and The Hartford Courant v. Chief, Meriden Police Department, City of Meriden and Meriden Police Department (Oct. 14, 1998); Docket #FIC 1997-422; Joseph A. Johnson, Jr. and Greenwich Time v. Chief, Greenwich Police Department, Town of Greenwich; and Greenwich Police Department, Town of Greenwich (Sept. 9, 1998); Docket #FIC 1998-023; Deborah Maynard v. Superintendent, Voluntown School District; and Principal, Voluntown Elementary School, Voluntown School District (Aug. 12, 1998); Docket #FIC 1997-298; Allan Drury and The New Haven Register v. Chief, East Haven Police Department, Town of East Haven; and Town of East Haven (June 10, 1998); Jonathan Lucas and Greenwich Times v. Director, Department of Human Resources, Town of Greenwich; and Town of Greenwich (May 27, 1998); John C. Rettman v. Meriden Police Department, Internal Affairs Division; and Paul Rowen (May 13, 1998); Docket #FIC 1997-318; Dennis Carnot v. Chief, Meriden Police Department, City of Meriden; Internal Affairs Division, Meriden Police Department, City of Meriden; Meriden Police Department, City of Meriden; and Paul Rowen (May 13, 1998); Docket #FIC 1997-175; Matthew Brown, Ken Byron and The Hartford Courant v. Superintendent of Schools, Plymouth Public Schools; and Board of Education, Town of Plymouth (February 18, 1998); Docket #FIC 1997-123; John Christoffersen and The Advocate v. Superintendent of Schools, Stamford Public Schools and Director of Personnel, Stamford Public Schools (Feb. 11, 1998); Docket #FIC 1997-088; John B. Harkins v. Acting Town Manager, Town of Tolland (Jan. 28, 1998); Docket #FIC 1997-085; Joe Johnson and Greenwich Time v. Chief of Police, Greenwich Police Department (Jan. 28, 1998); Docket #FIC 1997-142; Laura Amon v. Program Manager, Affirmative Action Division, State of Connecticut, Department of Transportation (Dec. 3, 1997); Docket #FIC 1996-572; Ken Byron and The Hartford Courant v. Chief of Police, Town of Wethersfield (Nov. 12, 1997); Docket #FIC 1997-238; Kimberley A. Thomsen and the Republican-American v. Acting Superintendent, Waterbury Police Department (Oct. 29, 1997); Docket #FIC 1997-089; Steven Edelman v. Commissioner, State of Connecticut, Department of Mental Retardation; and State of Connecticut, Department of Mental Retardation (Oct. 22, 1997); Docket #FIC 1996-551; Judith A. Amato v. Executive Director, New Britain Housing Authority; and New Britain Housing Authority (Aug. 27, 1997); Docket # FIC 1996-539; Ann Marie Derwin v. Legal Advisor, State of Connecticut, Department of Public Safety; and State of Connecticut, Department of Public Safety (Aug. 27, 1997); Docket #FIC 1996-592; Francine Karp v. Mayor, City of Bristol; Director of Personnel, City of Bristol; and Dennis Daigneault (July 23, 1997); Docket #FIC 1996-243; Joanne C. Tashjian v. Personnel Officer, State of Connecticut, Workers' Compensation Commission; and State of Connecticut, Workers' Compensation Commission (June 4, 1997); Docket #FIC 1996-322; Carolyn Moreau and The Hartford Courant v. Chief of Police, Southington Police Department; and Susan Williams (May 28, 1997); Docket #FIC 1996-465; John Gauger, Jr., Joseph Cadrain and Richard Westervelt v.

Kenneth H. Kirschner, Commissioner, State of Connecticut, Department of Public Safety; Dawn Carnese, Legal Advisor, State of Connecticut, Department of Public Safety; and Lt. David Werner, Commanding Officer, Troop "B", State of Connecticut, Department of Public Safety, Division of State Police (April 9, 1997); Docket #FIC 1996-315; David W. Cummings v. Christopher Burnham, Treasurer, State of Connecticut (April 9, 1997); Docket #FIC 1996-521; Carol Butterworth v. Town Council, Town of Tolland (March 26, 1997); Docket #FIC 1996-421; John B. Harkins v. Chairman, Tolland Town Council (March 26, 1997); Docket #FIC 1996-314; David W. Cummings v. Christopher Burnham, Treasurer, State of Connecticut (April 9, 1997); Docket #FIC 1996-119; David W. Cummings v. Jesse M. Frankl, Chairman, State of Connecticut, Workers' Compensation Commission (March 26, 1997); Docket #FIC 1996-215; Alice M. Gray v. Chief of Police, Manchester Police Department, and Assistant Town Attorney, Town of Manchester (Feb. 26, 1997); Docket #FIC 1996-159; Carolyn Moreau and The Hartford Courant v. Police Chief, Southington Police Department (Jan. 22, 1997); Docket #FIC 1996-124; Donald H. Schiller, Michael Kelley and The Record-Journal Publishing Company v. Police Chief, Town of Southington Police Department, and Town of Southington Police Department (Jan. 22, 1997); Docket #FIC 1996-134; Betty Halibozek v. Superintendent of Schools, Middletown Public Schools; and Supervisor of Maintenance and Transportation, Board of Education, City of Middletown (Dec. 11, 1996); Docket #FIC1996-006; Joseph Cadrain and Richard Westervelt v. Gerald Gore, Legal Affairs Unit, State of Connecticut, Department of Public Safety; and State of Connecticut, Department of Public Safety, Division of State Police (Dec. 11, 1996); Docket #FIC 1996-153; Tracey Thomas and The Hartford Courant v. Legal Affairs Unit, State of Connecticut, Department of Public Safety (Nov. 20, 1996); Docket #FIC1995-419; Robie Irizarry v. Warden, Willard Correctional Institution, State of Connecticut, Department of Correction (Oct. 23, 1996); Docket #FIC 1995-368; Thomas Lally v. Executive Director, State of Connecticut Board of Education and Services for the Blind, and Special Projects Coordinator, State of Connecticut, Board of Education and Services for the Blind (Oct. 9, 1996); Docket #FIC 1995-403; Jesse C. Leavenworth and The Hartford Courant v. Superintendent of Schools, Regional School District #7 (Sept. 25, 1996); Docket #FIC 1995-361; Christopher Hoffman and the New Haven Register v. James J. McGrath, Chief of Police, Ansonia Police Department and Eugene K. Baron, Brian Phipps, and Howard Tinney as members of the Ansonia Board of Police Commissioners (Sept. 25, 1996); Docket #FIC1995-358; Lyn Bixby and The Hartford Courant v. State of Connecticut, Department of Administrative Services (Sept. 25, 1996); Docket #FIC 1996-056; Francine Cimino v. Chief of Police, Glastonbury Police Department; Town Manager, Town of Glastonbury; and Town of Glastonbury (Sept. 25, 1996); Docket #FIC 1995-343; John J. Woodcock, III v. Town Manager, Town of South Windsor (July 24, 1996); Docket #FIC 1995-324; John J. Woodcock, III and Kathryn A. Hale v. Dana Whitman, Jr., Acting Town Manager, Town of South Windsor (July 24, 1996); Docket #FIC 95-251; Lyn Bixby & The Hartford Courant v. Commissioner, State of Connecticut, Department of Correction (July 10, 1996); Docket #FIC 1995-252; Valerie Finholm and The Hartford Courant v. Commissioner, State of Connecticut, Department of Children and Families (May 22, 1996); Docket #FIC 1995-193; Terence P. Sexton v. Chief of Police, Hartford Police Department (May 8, 1996); Docket #FIC 1995-125; Chris Powell and Journal Inquirer v. Commissioner, State of Connecticut, Department of Social Services (March 13, 1996); Docket #FIC 1995-081; Bruce Bellm, Kendres Lally, Philip Cater, Peter Hughes, Carol Northrop, Brad Pellissier, Todd Higgins and Bruce Garrison v. State of Connecticut, Office of Protection and Advocacy for Persons with Disabilities, Sharon Story and Marlene Fein (March 13, 1996);

Docket #FIC 1995-074; Jeffrey C. Cole and WFSB/TV 3 v. James Strillacci, Chief of Police, West Hartford Police Department (Jan. 24, 1996); Docket #FIC 1995-026; Curtis R. Wood v. Director of Affirmative Action, State of Connecticut, Department of Correction (Jan. 24, 1996); Docket #FIC 1995-132; Michael A. Ingrassia v. Warden, Walker Special Management Unit, State of Connecticut Department of Correction (Dec. 27, 1995); Docket #FIC 1995-048; Jane Holfelder v. Canton Police Department (June 14, 1995); Docket #FIC 1994-351; Edward A. Peruta v. O. Paul Shew, Rocky Hill Town Manager and Director of Public Safety; Donald Unwin, Mayor of Rocky Hill, William Pacelia, Deputy Mayor of Rocky Hill; and Curt Roggi, Rocky Hill Town Attorney (May 28, 1995); Docket #FIC 1994-160; John Springer and The Bristol Press v. Chief of Police, Bristol Police Department (April 5, 1995); Docket #FIC 1994-077; Kathryn Kranhold and The Hartford Courant v. Director, New Haven Health Department (Feb. 8, 1995); Docket #FIC 1994-099; Frank Faraci, Jr. v. Middletown Police Department, Mayor of Middletown, and Middletown City Attorney (Feb. 2, 1995); Docket #FIC 1994-011; Robert Grabar, Edward Frede and The News-Times v. Superintendent of Schools, Brookfield Public Schools and Brookfield Board of Education (Aug. 24, 1994); Docket #FIC 1993-279; Jay Lewin v. New Milford Director of Finance (March 23, 1994).

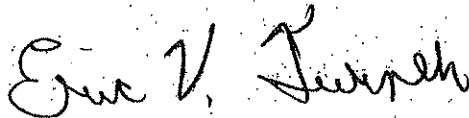
3. Affidavit of Eric Turner, January 9, 2002.

AFFIDAVIT OF ERIC V. TURNER

Eric V. Turner, having been duly sworn, does hereby depose as follows:

1. I am over the age of eighteen (18) years and understand the obligation of an affirmation.
2. I am a member of the Connecticut Bar and am currently employed as Director of Public Education for the Connecticut Freedom of Information Commission, having first been employed by said commission in 1996.
3. I am providing this affidavit in light of the Supreme Court decision in *Director, Retirement & Benefits Services Division v. Freedom of Information Commission*, 256 Conn. 764 (2001), in which the court apparently invites a reconsideration of *Perkins v. Freedom of Information Commission*, 228 Conn. 158 (1993). See, *Director*, supra at 782, fn 13, 785 (Zarella, J. concurring).
4. As part of my responsibilities as Director of Public Education for said commission, I have developed, organized and scheduled speaking engagements, seminars and programs explaining the duties and rights established under the Connecticut Freedom of Information Act.
5. Since I assumed my current position in 1996, there have been approximately 290 such speaking engagements, seminars and programs in Connecticut and I have personally lectured in approximately 80 such speaking engagements, seminars and programs.
6. As part of the presentation I have prepared for such speaking engagements, seminars and programs, the subject of the Connecticut General Statutes Section 1-210(b)(2) exemption for personnel, medical and similar files the disclosure of which would constitute an invasion of personal privacy is stressed because of the great interest in that exemption and the confusion generated by a series of inconsistent and contradictory court decisions prior to *Perkins*, supra. See, e.g., *Chairman v. Freedom of Information Commission*, 217 Conn. 193 (1991) (establishing "reasonable expectation of privacy" test; query whether subjectively or objectively applied) and *Board of Education v. Freedom of Information Commission*, 210 Conn. 590 (1989) (confirming a "balancing" test), which was overruled by the *Chairman* case.
7. Since the Supreme Court ruling in *Perkins*, supra, all Freedom of Information Commission staff members who conduct such speaking engagements, seminars and programs discuss in detail the rulings in that case and its progeny.
8. As part of my responsibilities as Director of Public Education, I also answer telephone and other inquiries from public officials and the public. Since my employment with said commission, I have answered thousands of such inquiries, including hundreds of inquiries concerning the Connecticut General Statutes Section 1-210(b)(2) exemption. In responding to such inquiries I discuss in detail the *Perkins* case and its progeny.

9. Based on the foregoing experiences, it is my opinion that the *Perkins* decision, and its progeny, have had a beneficial effect on public officials and the public itself because they can rely on a now long-standing and clear test with respect to the Connecticut General Statutes Section 1-210(b)(2) exemption, which helps them determine whether that exemption is applicable to the practical problems they encounter with respect to personnel, medical and similar information. Indeed, the many court and Freedom of Information Commission decisions applying the *Perkins* test have given public officials and the public a now consistent body of law concerning that statutory exemption.



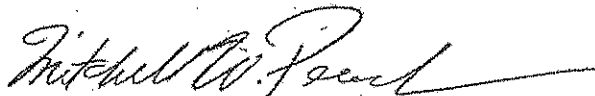
Eric V. Turner

COUNTY OF HARTFORD

ss: Hartford

STATE OF CONNECTICUT

Subscribed and attested to before me this 9th day of January, 2002.



Mitchell W. Pearlman
Commissioner of the Superior Court

4. ACCIDENT & INJURY REPORTS and INVESTIGATIONS:

IC-2011-370-1, IC-2011-370-2, IC-2011-370-3, IC-2011-370-4, IC-2011-370-19, IC-2011-370-20, IC-2011-370-28, IC-2011-370-29, IC-2011-370-30, IC-2011-370-36, IC-2011-370-37, IC-2011-370-68, IC-2011-370-107, IC-2011-370-108, IC-2011-370-109, IC-2011-370-110, IC-2011-370-111, IC-2011-370-112, IC-2011-370-113, IC-2011-370-114, IC-2011-370-115, IC-2011-370-116, IC-2011-370-117, IC-2011-370-118, IC-2011-370-121, IC-2011-370-122, IC-2011-370-123, IC-2011-370-124, IC-2011-370-127, IC-2011-370-128, IC-2011-370-129, IC-2011-370-130, IC-2011-370-132, IC-2011-370-133, IC-2011-370-134, IC-2011-370-136, IC-2011-370-137, IC-2011-370-139, IC-2011-370-140, IC-2011-370-141, IC-2011-370-142, IC-2011-370-143, IC-2011-370-144, IC-2011-370-145, IC-2011-370-146, IC-2011-370-228, IC-2011-370-229, IC-2011-370-230, IC-2011-370-231, IC-2011-370-232, IC-2011-370-233, IC-2011-370-267, IC-2011-370-268, IC-2011-370-281, IC-2011-370-282, IC-2011-370-283, IC-2011-370-284, IC-2011-370-285, IC-2011-370-286, IC-2011-370-287, IC-2011-370-290, IC-2011-370-291, IC-2011-370-292, IC-2011-370-295, IC-2011-370-296, IC-2011-370-297, IC-2011-370-298, IC-2011-370-299, IC-2011-370-300, IC-2011-370-301, IC-2011-370-302, IC-2011-370-306, IC-2011-370-307, IC-2011-370-309, IC-2011-370-310, IC-2011-370-314, IC-2011-370-315, IC-2011-370-317, IC-2011-370-318, IC-2011-370-321, IC-2011-370-322, IC-2011-370-326, IC-2011-370-327, IC-2011-370-328, IC-2011-370-329, IC-2011-370-335, IC-2011-370-338, IC-2011-370-343, IC-2011-370-344, IC-2011-370-345, IC-2011-370-346, IC-2011-370-350, IC-2011-370-379, IC-2011-370-380, IC-2011-370-381, IC-2011-370-383, IC-2011-370-389, IC-2011-370-390, IC-2011-370-394, IC-2011-370-395, IC-2011-370-401, IC-2011-370-402, IC-2011-370-403, IC-2011-370-404, IC-2011-370-414, IC-2011-370-415, IC-2011-370-418, IC-2011-370-419, IC-2011-370-424, IC-2011-370-425, IC-2011-370-429, IC-2011-370-468, IC-2011-370-469, IC-2011-370-470, IC-2011-370-471, IC-2011-370-472, IC-2011-370-474, IC-2011-370-477, IC-2011-370-478, IC-2011-370-479, IC-2011-370-480, IC-2011-370-481, IC-2011-370-484, IC-2011-370-485, IC-2011-370-491, IC-2011-370-492, IC-2011-370-496, IC-2011-370-497, IC-2011-370-527, IC-2011-370-531, IC-2011-370-532, IC-2011-370-544, IC-2011-370-545, IC-2011-370-731, IC-2011-370-732, IC-2011-370-733, IC-2011-370-734, IC-2011-370-735, IC-2011-370-736, IC-2011-370-737, IC-2011-370-742, IC-2011-370-743, IC-2011-370-750, IC-2011-370-751, IC-2011-370-752, IC-2011-370-753, IC-2011-370-760, IC-2011-370-761, IC-2011-370-762, IC-2011-370-796, IC-2011-370-797, IC-2011-370-800, IC-2011-370-801, IC-2011-370-802, IC-2011-370-803, IC-2011-370-806, IC-2011-370-807, IC-2011-370-808, IC-2011-370-809, IC-2011-370-810, IC-2011-370-811, IC-2011-370-812, IC-2011-370-813, IC-2011-370-816, IC-2011-370-817, IC-2011-370-819, IC-2011-370-820, IC-2011-370-821, IC-2011-370-822, IC-2011-370-823, IC-2011-370-824, IC-2011-370-827, IC-2011-370-828, IC-2011-370-829, IC-2011-370-830, IC-2011-370-831, IC-2011-370-832, IC-2011-370-833, IC-2011-370-834, IC-2011-370-836, IC-2011-370-837, IC-2011-370-838, IC-2011-370-839, IC-2011-370-843, IC-2011-370-844, IC-2011-370-845, IC-2011-370-846, IC-2011-370-847, IC-2011-370-848, IC-2011-370-849, IC-2011-370-850, IC-2011-370-851, IC-2011-370-852, IC-2011-370-854, IC-2011-370-857, IC-2011-370-863, IC-2011-370-864, IC-2011-370-865, IC-2011-370-866, IC-2011-370-867, IC-2011-370-868, IC-2011-370-880, IC-2011-370-886, IC-2011-370-887, IC-2011-370-891, IC-2011-370-902, IC-2011-370-903, IC-2011-370-904, IC-2011-370-905, IC-2011-370-907, IC-2011-370-908, IC-2011-370-909, IC-2011-370-913, IC-2011-370-923, IC-2011-370-949, IC-2011-370-950, IC-2011-370-951, IC-2011-370-961, IC-2011-370-962, IC-2011-370-979, IC-2011-370-980, IC-

IC-2011-370-1576, IC-2011-370-1577, IC-2011-370-1578, IC-2011-370-1581, IC-2011-370-1582, IC-2011-370-1593, IC-2011-370-1595, IC-2011-370-1597, IC-2011-370-1598, IC-2011-370-1610, IC-2011-370-1611, IC-2011-370-1616, IC-2011-370-1617, IC-2011-370-1621, IC-2011-370-1622, IC-2011-370-1623, IC-2011-370-1631, IC-2011-370-1632, IC-2011-370-1647, IC-2011-370-1649, IC-2011-370-1654, IC-2011-370-1670, IC-2011-370-1671, IC-2011-370-1672, IC-2011-370-1673, IC-2011-370-1674, IC-2011-370-1675, IC-2011-370-1676, IC-2011-370-1681, IC-2011-370-1682, IC-2011-370-1685, IC-2011-370-1686, IC-2011-370-1687, IC-2011-370-1688, IC-2011-370-1692, IC-2011-370-1693, IC-2011-370-1703, IC-2011-370-1704, IC-2011-370-1720, IC-2011-370-1721, IC-2011-370-1723, IC-2011-370-1724, IC-2011-370-1731, IC-2011-370-1732, IC-2011-370-1756, IC-2011-370-1757, IC-2011-370-1771, IC-2011-370-1772, IC-2011-370-1775, IC-2011-370-1776, IC-2011-370-1777, IC-2011-370-1778, IC-2011-370-1787, IC-2011-370-1790, IC-2011-370-1792, IC-2011-370-1800, IC-2011-370-1801, IC-2011-370-1802, IC-2011-370-1806, IC-2011-370-1807, IC-2011-370-1808, IC-2011-370-1809, IC-2011-370-1817, IC-2011-370-1818, IC-2011-370-1820, IC-2011-370-1822, IC-2011-370-1830, IC-2011-370-1831, IC-2011-370-1839, IC-2011-370-1842, IC-2011-370-1844, IC-2011-370-1846, IC-2011-370-1853, IC-2011-370-1854, IC-2011-370-1855, IC-2011-370-1856, IC-2011-370-1857, IC-2011-370-1860 and IC-2011-370-1861.

5. RETURN TO WORK NOTICES, VERIFICATION OF DISABILITY NOTICES and ABSENCE RECORDS:

IC-2011-370-6, IC-2011-370-12, IC-2011-370-13, IC-2011-370-16, IC-2011-370-21, IC-2011-370-22, IC-2011-370-32, IC-2011-370-34, IC-2011-370-38, IC-2011-370-54, IC-2011-370-57, IC-2011-370-59, IC-2011-370-63, IC-2011-370-82, IC-2011-370-131, IC-2011-370-235, IC-2011-370-237, IC-2011-370-239, IC-2011-370-241, IC-2011-370-243, IC-2011-370-244, IC-2011-370-250, IC-2011-370-251, IC-2011-370-253, IC-2011-370-254, IC-2011-370-256, IC-2011-370-257, IC-2011-370-258, IC-2011-370-260, IC-2011-370-262, IC-2011-370-264, IC-2011-370-269, IC-2011-370-270, IC-2011-370-272, IC-2011-370-275, IC-2011-370-278, IC-2011-370-294, IC-2011-370-313, IC-2011-370-316, IC-2011-370-319, IC-2011-370-332, IC-2011-370-336, IC-2011-370-351, IC-2011-370-358, IC-2011-370-384, IC-2011-370-397, IC-2011-370-399, IC-2011-370-400, IC-2011-370-408, IC-2011-370-411, IC-2011-370-412, IC-2011-370-416, IC-2011-370-420, IC-2011-370-427, IC-2011-370-428, IC-2011-370-433, IC-2011-370-435, IC-2011-370-482, IC-2011-370-487, IC-2011-370-495, IC-2011-370-500, IC-2011-370-501, IC-2011-370-505, IC-2011-370-507, IC-2011-370-508, IC-2011-370-510, IC-2011-370-513, IC-2011-370-521, IC-2011-370-522, IC-2011-370-530, IC-2011-370-534, IC-2011-370-548, IC-2011-370-550, IC-2011-370-551, IC-2011-370-561, IC-2011-370-562, IC-2011-370-563, IC-2011-370-567, IC-2011-370-569, IC-2011-370-570, IC-2011-370-571, IC-2011-370-573, IC-2011-370-575, IC-2011-370-577, IC-2011-370-579, IC-2011-370-584, IC-2011-370-744, IC-2011-370-755, IC-2011-370-756, IC-2011-370-758, IC-2011-370-763, IC-2011-370-766, IC-2011-370-767, IC-2011-370-768, IC-2011-370-778, IC-2011-370-826, IC-2011-370-841, IC-2011-370-856, IC-2011-370-859, IC-2011-370-869, IC-2011-370-872, IC-2011-370-882, IC-2011-370-890, IC-2011-370-892, IC-2011-370-894, IC-2011-370-901, IC-2011-370-906, IC-2011-370-910, IC-2011-370-916, IC-2011-370-918, IC-2011-370-952, IC-2011-370-954, IC-2011-370-958, IC-2011-370-959, IC-2011-370-965, IC-2011-370-982, IC-2011-370-989, IC-2011-370-990, IC-2011-370-991, IC-2011-370-992, IC-2011-370-1009, IC-2011-370-1015, IC-2011-370-1016, IC-2011-370-1020, IC-2011-370-1029, IC-2011-370-1035, IC-2011-370-1049, IC-2011-370-1055, IC-2011-370-1068, IC-2011-370-1074, IC-2011-370-1080, IC-2011-370-1081, IC-2011-370-1087, IC-2011-370-1105, IC-2011-370-1108, IC-2011-370-1109, IC-2011-370-1116, IC-2011-370-1117, IC-2011-370-1120, IC-2011-370-1121, IC-2011-370-1122, IC-2011-370-1124, IC-2011-370-1126, IC-2011-370-1127, IC-2011-370-1129, IC-2011-370-1130, IC-2011-370-1132, IC-2011-370-1133, IC-2011-370-1141, IC-2011-370-1147, IC-2011-370-1154, IC-2011-370-1157, IC-2011-370-1158, IC-2011-370-1161, IC-2011-370-1167, IC-2011-370-1170, IC-2011-370-1174, IC-2011-370-1178, IC-2011-370-1179, IC-2011-370-1180, IC-2011-370-1182, IC-2011-370-1183, IC-2011-370-1187, IC-2011-370-1209, IC-2011-370-1210, IC-2011-370-1249, IC-2011-370-1258, IC-2011-370-1260, IC-2011-370-1261, IC-2011-370-1266, IC-2011-370-1267, IC-2011-370-1273, IC-2011-370-1283, IC-2011-370-1284, IC-2011-370-1289, IC-2011-370-1299, IC-2011-370-1303, IC-2011-370-1304, IC-2011-370-1307, IC-2011-370-1319, IC-2011-370-1330, IC-2011-370-1337, IC-2011-370-1341, IC-2011-370-1345, IC-2011-370-1347, IC-2011-370-1354, IC-2011-370-1359, IC-2011-370-1361, IC-2011-370-1362, IC-2011-370-1372, IC-2011-370-1373, IC-2011-370-1374, IC-2011-370-1375, IC-2011-370-1376, IC-2011-370-1377, IC-2011-370-1379, IC-2011-370-1384, IC-2011-370-1387, IC-2011-370-1388, IC-2011-370-1414, IC-2011-370-1468, IC-2011-370-1473, IC-2011-370-1493, IC-2011-370-1500, IC-2011-370-1501, IC-2011-370-1503, IC-2011-370-1532, IC-2011-370-1535, IC-2011-370-1545, IC-2011-370-1554, IC-2011-370-1559, IC-2011-

370-1563, IC-2011-370-1591, IC-2011-370-1602, IC-2011-370-1604, IC-2011-370-1606, IC-2011-370-1607, IC-2011-370-1609, IC-2011-370-1612, IC-2011-370-1613, IC-2011-370-1615, IC-2011-370-1620, IC-2011-370-1625, IC-2011-370-1627, IC-2011-370-1628, IC-2011-370-1636, IC-2011-370-1637, IC-2011-370-1639, IC-2011-370-1645, IC-2011-370-1646, IC-2011-370-1653, IC-2011-370-1677, IC-2011-370-1678, IC-2011-370-1684, IC-2011-370-1689, IC-2011-370-1700, IC-2011-370-1701, IC-2011-370-1708, IC-2011-370-1709, IC-2011-370-1710, IC-2011-370-1712, IC-2011-370-1713, IC-2011-370-1715, IC-2011-370-1716, IC-2011-370-1717, IC-2011-370-1725, IC-2011-370-1726, IC-2011-370-1729, IC-2011-370-1730, IC-2011-370-1737, IC-2011-370-1738, IC-2011-370-1741, IC-2011-370-1743, IC-2011-370-1744, IC-2011-370-1753, IC-2011-370-1754, IC-2011-370-1760, IC-2011-370-1761, IC-2011-370-1762, IC-2011-370-1763, IC-2011-370-1765, IC-2011-370-1766, IC-2011-370-1768, IC-2011-370-1769, IC-2011-370-1773, IC-2011-370-1780, IC-2011-370-1783, IC-2011-370-1784, IC-2011-370-1786, IC-2011-370-1789, IC-2011-370-1794, IC-2011-370-1797, IC-2011-370-1799, IC-2011-370-1805, IC-2011-370-1812, IC-2011-370-1814, IC-2011-370-1815, IC-2011-370-1821, IC-2011-370-1837, IC-2011-370-1840, IC-2011-370-1841, IC-2011-370-1848, IC-2011-370-1863, IC-2011-370-1865, IC-2011-370-1869, IC-2011-370-1871, IC-2011-370-1872 and IC-2011-370-1873.⁹

⁹ The Commission takes note that IC-2011-264, IC-2011-370-412, IC-2011-370-1170, IC-2011-370-1715 and IC-2011-370-1725 contain, in part, information pertaining to individuals whose records are not at issue. Consequently, such information does not fall within the scope of the complainant's requests and therefore, IC-2011-264, IC-2011-370-412, IC-2011-370-1170, IC-2011-370-1715 and IC-2011-370-1725 may be redacted, but only with respect to such information.

6. EXCUSED ABSENCES, FIT & UNFIT FOR DUTY NOTIFICATIONS, WORK CAPACITY REPORTS and CERTIFICATES OF CARE (disclose records in their entirety):

IC-2011-370-8, IC-2011-370-9, IC-2011-370-17, IC-2011-370-33, IC-2011-370-41, IC-2011-370-42, IC-2011-370-44, IC-2011-370-45, IC-2011-370-46, IC-2011-370-47, IC-2011-370-48, IC-2011-370-49, IC-2011-370-52, IC-2011-370-61, IC-2011-370-80, IC-2011-370-83, IC-2011-370-126, IC-2011-370-135, IC-2011-370-238, IC-2011-370-240, IC-2011-370-242, IC-2011-370-245, IC-2011-370-246, IC-2011-370-247, IC-2011-370-248, IC-2011-370-249, IC-2011-370-252, IC-2011-370-271, IC-2011-370-273, IC-2011-370-274, IC-2011-370-276, IC-2011-370-277, IC-2011-370-279, IC-2011-370-280, IC-2011-370-304, IC-2011-370-312, IC-2011-370-333, IC-2011-370-334, IC-2011-370-349, IC-2011-370-353, IC-2011-370-354, IC-2011-370-355, IC-2011-370-357, IC-2011-370-359, IC-2011-370-363, IC-2011-370-378, IC-2011-370-385, IC-2011-370-386, IC-2011-370-387, IC-2011-370-396, IC-2011-370-398, IC-2011-370-409, IC-2011-370-410, IC-2011-370-417, IC-2011-370-421, IC-2011-370-422, IC-2011-370-423, IC-2011-370-426, IC-2011-370-432, IC-2011-370-434, IC-2011-370-436, IC-2011-370-438, IC-2011-370-486, IC-2011-370-489, IC-2011-370-490, IC-2011-370-499, IC-2011-370-504, IC-2011-370-506, IC-2011-370-511, IC-2011-370-514, IC-2011-370-516, IC-2011-370-517, IC-2011-370-519, IC-2011-370-520, IC-2011-370-523, IC-2011-370-546, IC-2011-370-547, IC-2011-370-549, IC-2011-370-558, IC-2011-370-559, IC-2011-370-565, IC-2011-370-566, IC-2011-370-568, IC-2011-370-572, IC-2011-370-580, IC-2011-370-582, IC-2011-370-586, IC-2011-370-589, IC-2011-370-759, IC-2011-370-769, IC-2011-370-771, IC-2011-370-773, IC-2011-370-774, IC-2011-370-775, IC-2011-370-777, IC-2011-370-779, IC-2011-370-786, IC-2011-370-788, IC-2011-370-798, IC-2011-370-799, IC-2011-370-840, IC-2011-370-842, IC-2011-370-855, IC-2011-370-860, IC-2011-370-861, IC-2011-370-862, IC-2011-370-881, IC-2011-370-883, IC-2011-370-884, IC-2011-370-885, IC-2011-370-893, IC-2011-370-896, IC-2011-370-914, IC-2011-370-917, IC-2011-370-957, IC-2011-370-960, IC-2011-370-969, IC-2011-370-981, IC-2011-370-993, IC-2011-370-994, IC-2011-370-995, IC-2011-370-996, IC-2011-370-997, IC-2011-370-1019, IC-2011-370-1057, IC-2011-370-1059, IC-2011-370-1062, IC-2011-370-1067, IC-2011-370-1073, IC-2011-370-1075, IC-2011-370-1082, IC-2011-370-1088, IC-2011-370-1091, IC-2011-370-1092, IC-2011-370-1093, IC-2011-370-1094, IC-2011-370-1095, IC-2011-370-1106, IC-2011-370-1110, IC-2011-370-1111, IC-2011-370-1114, IC-2011-370-1118, IC-2011-370-1119, IC-2011-370-1125, IC-2011-370-1131, IC-2011-370-1134, IC-2011-370-1135, IC-2011-370-1136, IC-2011-370-1152, IC-2011-370-1155, IC-2011-370-1156, IC-2011-370-1159, IC-2011-370-1160, IC-2011-370-1166, IC-2011-370-1168, IC-2011-370-1184, IC-2011-370-1185, IC-2011-370-1220, IC-2011-370-1221, IC-2011-370-1223, IC-2011-370-1225, IC-2011-370-1233, IC-2011-370-1235, IC-2011-370-1239, IC-2011-370-1240, IC-2011-370-1241, IC-2011-370-1244, IC-2011-370-1250, IC-2011-370-1257, IC-2011-370-1274, IC-2011-370-1281, IC-2011-370-1294, IC-2011-370-1298, IC-2011-370-1300, IC-2011-370-1310, IC-2011-370-1312, IC-2011-370-1315, IC-2011-370-1331, IC-2011-370-1332, IC-2011-370-1333, IC-2011-370-1338, IC-2011-370-1344, IC-2011-370-1346, IC-2011-370-1355, IC-2011-370-1360, IC-2011-370-1363, IC-2011-370-1364, IC-2011-370-1385, IC-2011-370-1386, IC-2011-370-1389, IC-2011-370-1390, IC-2011-370-1391, IC-2011-370-1392, IC-2011-370-1394, IC-2011-370-1407, IC-2011-370-1411, IC-2011-370-1416, IC-2011-370-1417, IC-2011-370-1437, IC-2011-370-1449, IC-2011-370-1452, IC-2011-370-1454, IC-2011-370-1460, IC-2011-370-1469, IC-2011-370-1492, IC-2011-370-1499, IC-2011-370-1502, IC-2011-370-1507, IC-2011-370-1539, IC-2011-370-1548, IC-2011-370-1570, IC-2011-370-1592,

IC-2011-370-1599, IC-2011-370-1600, IC-2011-370-1601, IC-2011-370-1603, IC-2011-370-1605, IC-2011-370-1614, IC-2011-370-1638, IC-2011-370-1640, IC-2011-370-1641, IC-2011-370-1643, IC-2011-370-1651, IC-2011-370-1652, IC-2011-370-1656, IC-2011-370-1705, IC-2011-370-1706, IC-2011-370-1707, IC-2011-370-1711, IC-2011-370-1714, IC-2011-370-1718, IC-2011-370-1727, IC-2011-370-1733, IC-2011-370-1739, IC-2011-370-1740, IC-2011-370-1755, IC-2011-370-1758, IC-2011-370-1767, IC-2011-370-1770, IC-2011-370-1774, IC-2011-370-1782, IC-2011-370-1796, IC-2011-370-1798, IC-2011-370-1862, IC-2011-370-1864, IC-2011-370-1866, IC-2011-370-1867, IC-2011-370-1868, IC-2011-370-1870, IC-2011-370-1874 and IC-2011-370-1875.¹⁰

¹⁰ The Commission takes note that IC-2011-370-423 contains, in part, information pertaining to an individual whose records are not at issue. Consequently, such information does not fall within the scope of the complainant's requests and therefore the record may be redacted, but only with respect to that information.

7. EXCUSED ABSENCES, FIT & UNFIT FOR DUTY NOTIFICATIONS, WORK CAPACITY REPORTS and CERTIFICATES OF CARE (disclose with redactions):

IC-2011-370-7, IC-2011-370-43, IC-2011-370-50, IC-2011-370-51, IC-2011-370-53, IC-2011-370-56, IC-2011-370-58, IC-2011-370-60, IC-2011-370-62, IC-2011-370-65, IC-2011-370-84, IC-2011-370-305, IC-2011-370-330, IC-2011-370-331, IC-2011-370-356, IC-2011-370-362, IC-2011-370-407, IC-2011-370-439, IC-2011-370-483, IC-2011-370-488, IC-2011-370-509, IC-2011-370-512, IC-2011-370-518, IC-2011-370-557, IC-2011-370-560, IC-2011-370-564, IC-2011-370-574, IC-2011-370-578, IC-2011-370-583, IC-2011-370-585, IC-2011-370-597, IC-2011-370-770, IC-2011-370-953, IC-2011-370-964, IC-2011-370-983, IC-2011-370-1011, IC-2011-370-1153, IC-2011-370-1165, IC-2011-370-1177, IC-2011-370-1181, IC-2011-370-1186, IC-2011-370-1188, IC-2011-370-1234, IC-2011-370-1236, IC-2011-370-1253, IC-2011-370-1280, IC-2011-370-1342, IC-2011-370-1353, IC-2011-370-1381, IC-2011-370-1382, IC-2011-370-1383, IC-2011-370-1450, IC-2011-370-1451, IC-2011-370-1508, IC-2011-370-1642, IC-2011-370-1644, IC-2011-370-1648, IC-2011-370-1650, IC-2011-370-1734, IC-2011-370-1736, IC-2011-370-1779, IC-2011-370-1781, IC-2011-370-1785, IC-2011-370-1788, IC-2011-370-1791, IC-2011-370-1793, IC-2011-370-1795, IC-2011-370-1810, IC-2011-370-1811, IC-2011-370-1813, IC-2011-370-1816, IC-2011-370-1819, IC-2011-370-1832, IC-2011-370-1838, IC-2011-370-1843, IC-2011-370-1845, IC-2011-370-1847, IC-2011-370-1849, IC-2011-370-1852 and IC-2011-370-1876.

