

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Roy E. Carroll, Complainant) Report of Hearing Officer
against) Docket #FIC76-102
State of Connecticut; and the) August 3 , 1976
Commissioner of Corrections of)
the State of Connecticut,)
Respondents)

The above captioned matter was heard as a contested case on July 16, 1976, at which time the complainant and the respondents appeared and presented testimony and argument on the complaint.

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

1. The respondents are public agencies.
2. On June 7 and 8, 1976 the complainant requested access to certain documents in the possession and custody of the respondent commissioner. Because this request was denied, complainant appealed to this Commission on June 10, 1976.
3. Specifically, complainant seeks access to two documents prepared by officers of the State Department of Corrections concerning an allegation of misconduct by Correctional Officer Addenbrooke on May 11, 1976. One document is a report by Lieutenant Chernovitz, the other is a memorandum from Warden Tedford to Personnel Administrator Coyle.
4. The report and memorandum resulted in a departmental investigation of the allegations against Officer Addenbrooke. The investigation concluded that there was no basis for disciplinary action against Officer Addenbrooke, and no reference to the incident or investigation was placed in the officer's personnel file.
5. The requested documents have nevertheless been placed in a "general miscellaneous" file in the personnel division of the Department of Corrections.
6. The respondent commissioner contends that disclosure of the requested documents is not required, citing §2(b)(1) of P.A. 75-342 to support the proposition that they are preliminary drafts or notes, and that they form personnel or similar files the disclosure of which would constitute an invasion of privacy.

7. It is found that the requested documents are not preliminary drafts or notes within the meaning of §2(b) (1) of P.A. 75-342. No evidence was adduced to indicate that these documents are anything but final drafts, submitted through official channels, upon which an official investigation was based.

8. It is further found that the requested documents form a personnel or similar file within the meaning of §2(b) (1) of P.A. 75-342.

9. The question remains whether disclosure would constitute an invasion of privacy.

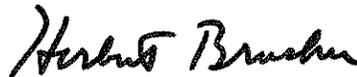
10. The complainant contends that he is the authorized representative of Officer Addenbrooke, and that therefore disclosure would not constitute an invasion of Officer Addenbrooke's privacy.

11. No written authorization naming the complainant as the representative of Officer Addenbrook was offered in evidence.

12. If the complainant is, in fact, the authorized representative of Officer Addenbrooke, disclosure of the requested documents to the complainant would not constitute an invasion of privacy within the meaning of §2(b) (1) of P.A. 75-342.

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

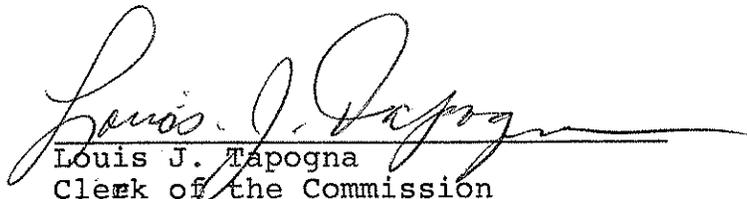
1. The respondent commissioner shall forthwith provide the complainant with access to inspect or copy the requested documents in accordance with the provisions of §2(a) of P.A. 75-342, upon the submission to the respondent commissioner of satisfactory proof that the complainant is the authorized representative of Correctional Officer Addenbrooke.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission
on August 11, 1976.



Louis J. Tapogna
Clerk of the Commission