

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Fred Radford, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-151
)
Board of Education of the Town) October 6, 1977
of Trumbull, Respondent)

The above captioned matter was heard as a contested case on August 31, 1977, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.

2. By letter dated August 1, 1977, the complainant requested the following information relating to some 233 teachers holding two categories of masters degrees and 96 teachers holding sixth year certificates, all in the Trumbull school system: the degree or degrees held; the major subjects in which such degrees held were granted; the subject currently taught by such teachers. The complainant specifically requested that the respondent board provide the above information in conjunction with the names of the teachers.

3. By letter dated August 7, 1977 and filed with the Commission on August 10, 1977, the complainant alleged that the respondent department denied him the actual names of the teachers in violation of his right to know.

4. The identity of the teachers names has been withheld by the respondent board although most, if not all, of the other requested data has or will be provided to the complainant. The respondent board is providing the requested data by coded reference to teachers names.

5. The respondent board contends that disclosure of the requested data in conjunction with teachers names is not required because such information is only to be found in the personnel files of the teachers, which files are protected from disclosure under §1-19(b)(2), G.S.

6. §1-19(b)(2), G.S. exempts "personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy."

7. This Commission, in giving full meaning to such exemption, must look beyond the mere label of a given file or file folder to the contents of those documents contained therein which are the subject of a given Freedom of Information request or, in the case of a document containing an admixture of exempt and non-exempt information, to the substance of the information requested.

8. The request herein concerns the professional credentials of public employees acting in their various professional capacities.

9. Although the requested data is contained in the personnel records of such teachers, the nature of the information is not such that it can only be contained in a personnel file.

10. It is therefore concluded that the disclosure of such data is required and that the respondent board's failure to do so constitutes a violation of the complainant's right to receive such data under §1-15, G.S.

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

1. The respondent board shall forthwith provide the complainant with all of the data described in paragraph 2 of the Findings above.

2. The board may comply with paragraph 1 of this Order by providing the complainant with plain copy of any and all records containing such data.


3. In the event that the board does not wish to produce plain copy of such records because, in its good faith opinion, there is other information contained thereon which properly constitutes a personnel record of the teachers involved and disclosure is not required under §1-19(b)(2), G.S., the respondent board may, in the alternative, comply with paragraph 1 of this Order by abstracting therefrom all of the pertinent requested data and providing it to the complainant in some other form.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 12, 1977.



Charlene G. Arnold
Clerk of the Commission