

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Chief William Bull,

FINAL DECISION

Complainant

Docket #FIC84-23

against

September 26, 1984

Municipal Police Training Council
of the State of Connecticut,

Respondent

The above captioned matter was heard as a contested case on April 9, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. The complainant is a member of the respondent.
3. On or about June 29, 1983 the chairman of the respondent appointed a five-person "screening committee" to accept and process applications for the position of executive director.
4. By letter dated February 2, 1984 the complainant made a request of the chairman of the respondent for access to inspect and copy "all material, correspondence, notes, memos and applications made for the position of Executive Director of the Municipal Training Academy . . . received, reviewed and screened by the Screening Committee."
5. By letter dated February 3, 1984 the complainant made a request of the chairman of the screening committee for access to certain information regarding the selection process, including dates of meetings, copies of minutes of such meetings and correspondence or other material filed with the screening committee in connection with the application process.

6. By letter of complaint filed with the Commission on February 14, 1984 the complainant appealed the denial of his requests, alleging that he, as a member of the respondent, was entitled to whatever information was available on the applications for the position and the selection of candidates. The complainant added that "[i]f there is indeed secrecy necessary . . . this could have been handled in executive session."

7. At hearing, the respondent moved to dismiss the complaint for lack of subject matter jurisdiction and for failure of the complainant to state a complaint upon which the Commission could grant relief, upon which motion the Commission reserved judgment.

8. Also at hearing, the complainant withdrew his request for a portion of the information requested in his February 3, 1984 letter and the respondent agreed to provide the complainant with access to much of the remaining information, including the resume of the successful candidate for the position of executive director. The respondent claimed, however, that information regarding unsuccessful candidates for the position was "confidential".

9. It is found that the applications of unsuccessful candidates for the position of executive director of the respondent are public records as defined by §1-18a(d), G.S.


10. It is found, however, that names, addresses and other personally identifiable information contained in the applications of unsuccessful candidates are exempted from disclosure by §1-19(b)(2), G.S.

11. It is found that the Commission is without jurisdiction to determine whether the complainant, as a member of the respondent, has a right to access to personally identifiable information which is greater than the public right to access created by §1-15, G.S. et seq.

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

1. The respondent shall forthwith provide the complainant with access to inspect or copy the applications of the unsuccessful candidates for the position of its executive director.
2. The respondent may mask or delete from such applications names, addresses and other information which would personally identify the unsuccessful candidates.

Approved by order of the Freedom of Information Commission at its regular meeting of September 26, 1984.



Mary Jo Jolicœur
Clerk of the Commission