

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
John Primick, Complainant) Report of Hearing Officer
against) Docket #FIC76-144
State of Connecticut and) October 21, 1976
Workmen's Compensation)
Commission, 6th District,)
Respondents)

The above captioned matter was heard as a contested case on September 28, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies under §1(a) of P.A. 75-342.
2. By letter dated August 2, 1976, the complainant requested to inspect his personal file which is in the custody and possession of the respondent commission.
3. On August 2, 1976 the complainant was denied access to his file. From such denial the complainant appealed to this Commission by letter of complaint filed herewith on August 11, 1976.
4. The respondent commission contends that the requested file contains notes written by the commissioner of respondent commission, privileged from disclosure under §2(b)(1) of P.A. 75-342 as preliminary drafts or notes. The respondent commission further contends that the United States Code provides a statutory exemption from disclosure of psychiatric medical reports issued from the Veteran's Administration Hospital pursuant to §2(a) of P.A. 75-342.
5. Both the notes of the commissioner of the respondent commission and the psychiatric medical reports issuing from the Veteran's Administration Hospital are contained within the requested file.
6. It is found that the requested documents are not preliminary 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 notes, submitted by the commissioner of the respondent commission relating to the subject matter of complainant's personal file.

7. It is further found that neither 38U.S.C. §3301 et. seq., concerning the confidential nature of the records of the Veterans Administration, nor 5 U.S.C. §552, and 5 U.S.C. §552) a et. seq. concerning the federal Freedom of Information and Right to Privacy Acts respectively, prohibits disclosure of psychiatric records furnished to a state agency by the Veterans Administration.

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

1. The respondent commission shall forthwith provide access to the complete and unabridged records requested herein, so that the complainant may inspect or copy same in accordance with P.A. 75-342.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 27, 1976.



Leslie Ann McGuire
Clerk of the Commission