

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Robert B. Stepno,

Complainant

Report of Hearing Officer

against

Docket #FIC78-225

State of Connecticut; and Board
of Trustees for State Technical
Colleges of the State of
Connecticut,

March 12, 1979

Respondents

The above captioned matter was heard as a contested case on January 9, 1979, at which time the complainant and 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 within the meaning of §1-18a(a), G.S.

2. The respondent board of trustees held an executive session on October 11, 1978, at which time it voted on a resolution.

3. The minutes of the October 11, 1978 meeting do not include the content of the aforesaid resolution or the vote thereon.

4. The minutes of the October 11, 1978 meeting state that the resolution was not reproduced in the minutes by reason of the Personal Data Act.

5. The resolution concerned settlement of a disciplinary action against an employee of the respondent board of trustees.

6. The complainant filed a complaint with this Commission on November 3, 1978 alleging that the failure to record the resolution and their vote thereon in the minutes violated §1-21, G.S. of the Freedom of Information Act.

7. The respondent board alleged by way of defense that the disclosure of the content of the resolution by way of its inclusion in the minutes of the executive session would violate the provisions of the Personal Data Act at §4-191, G.S.

8. It is found that the provisions of the Personal Data Act apply to the aforesaid resolution because:

a. The respondent board is an agency within the meaning of §4-190(a), G.S.

b. The content of the resolution described at paragraph 5 above constitutes personal data within the meaning of §4-190(i), G.S.

9. It is also found that §1-21, G.S., which requires that the votes of each member of a public agency upon any issue shall be reduced to writing and recorded in the minutes for the session to which they refer, and §1-19(a), G.S., which requires each such agency to make, keep and maintain a record of the proceedings of its meetings, read together, require a public agency to include the resolutions considered and the votes thereon in the minutes of its meetings.

10. The issue therefore becomes whether the confidentiality of personal data provisions of §4-191, G.S. or the minutes requirements of §1-21 and §1-19(a), G.S. govern in this case.

11. §4-192(c), G.S. provides an exemption to the non-consensual disclosure of personal data where disclosure is authorized by statute.

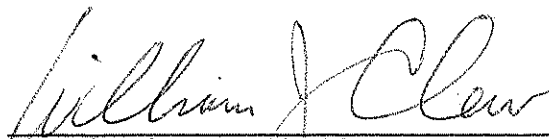
12. It is found that §4-191, G.S. does not act to repeal any of the fundamental public disclosure provisions of the Freedom of Information Act.

13. It is therefore found that the language of §4-192(c), G.S., which provides an exception to the prohibition of §4-191, G.S., is applicable to the minutes provisions of §1-19(a) and §1-21, G.S.

14. It is concluded, therefore, that the respondent board's failure to record the resolution in issue and the vote thereon in the minutes of its October 11, 1978 executive session violates the requirements of §1-19(a) and §1-21, G.S.

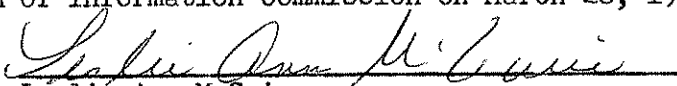
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent board of trustees shall forthwith amend the minutes of its executive session held October 11, 1978 so as record the resolution described at paragraph 5 hereinabove as well as the vote of each member of the respondent board with respect to said resolution.



Commissioner William Clew
as Hearing Officer

As approved by Order of the Freedom of Information Commission on March 28, 1979.



Leslie Ann McGuire
Acting Clerk of the Commission