

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNNECTICUT

In the Matter of a Complaint by
Fred Radford,

Complainant

Report of Hearing Officer

against

Docket #FIC79-189

Town of Trumbull; and Board of
Education of the Town of Trumbull,
Respondents

May 24, 1980

The above captioned matter was scheduled for hearing with Docket #FIC79-246 because of the similarity of the issues and the identity of the parties. The hearing was held on February 19, 1980, at which time both parties appeared and presented evidence 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. By letter filed with the Commission August 28, 1979, the complainant alleged violation of the Freedom of Information Act by the negotiator for the respondent board when he failed to provide copies of the "preliminary considerations" which were exchanged by the respondent board and the teachers' union at the outset of the collective bargaining negotiations.

3. The "preliminary considerations" were provided to the complainant but not until after the conclusion of the collective bargaining negotiations.

4. The complainant maintained that a town ordinance which required that the "preliminary consideration" be placed on file with the town clerk demonstrated that the documents were public records subject to disclosure under the Freedom of Information Act.

5. The respondents maintained that the "preliminary considerations" are exempt under §1-19(b)(9), G.S.

6. The "preliminary considerations" regarding the objectives of the respondent board and the teachers' union are general statements which provide the starting point for the collective bargaining negotiations.

7. §1-19(b)(9), G.S. exempts from disclosure records, reports and statements of strategy and negotiations with respect to collective bargaining.

8. It is found that the "preliminary considerations" embody in rough form the negotiating posture of each side at the outset of the negotiations.

9. It is concluded, therefore, that the "preliminary considerations" are statements, records or reports of strategy with respect to collective bargaining under §1-19(b)(9), G.S.

10. It is further found that the municipal ordinance requiring filing of the "preliminary considerations" does not waive or otherwise abrogate the exemption to disclosure created under §1-19(b)(9), G.S.

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

1. The complaint is hereby dismissed.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 9, 1980.

Leslie Ann McGuire
Clerk of the Commission