

Generally, personnel information that is useful in making employment decisions regarding an employee is sufficiently personal to be exempt pursuant to the first clause.<sup>52</sup> Such information may include employment applications, employee work evaluations, disciplinary documentation, and promotion, demotion, or termination information.<sup>53</sup>

The Appeals Court of Massachusetts distinguished “personnel records” from “internal affairs” records. The Appeals Court held that materials in a police internal affairs investigation are different in kind from the ordinary evaluations, performance assessments and disciplinary determinations encompassed in the public records exemption for personnel files or information.<sup>54</sup> The Appeals Court held that officers’ reports, witness interview summaries, and the internal affairs report itself do not fall within the personnel information exemption, as these documents relate to the workings and determinations of the internal affairs process whose quintessential purpose is to inspire public confidence.<sup>55</sup>

Public employees have a diminished expectation of privacy in matters relating to their public employment.<sup>56</sup> Consequently, the public will have greater access to information that relates to an individual’s public employment than to the same individual’s private activities.<sup>57</sup> For example, an individual’s public employment salary is a public record, but the source or amount of private income generally is not public information.<sup>58</sup>

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<sup>49</sup> Wakefield Teacher’s Association, 431 Mass. at 798.

<sup>50</sup> See Worcester Telegram & Gazette Corp., 436 Mass. at 386.

<sup>51</sup> See Worcester Telegram & Gazette Corp., 58 Mass. App. Ct. at 9.

<sup>52</sup> Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000); see also Connolly v. Bromery, 15 Mass. App. Ct. 661, 664 (1983) (evaluative materials are of a particularly personal and volatile nature).

<sup>53</sup> Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000); see also Brogan v. School Committee of Westport, 401 Mass. 306, 308 (1987); Pottle v. School Committee of Braintree, 395 Mass. 861, 866 (1985); George W. Prescott Publishing Company v. Register of Probate for Norfolk County, 395 Mass. 274, 278 (1985).

<sup>54</sup> Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 799 (2000).

<sup>55</sup> Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1, 8-9 (2003).

<sup>56</sup> Brogan v. School Committee of Westport, 401 Mass. 306, 308 (1987).

<sup>57</sup> Hastings & Sons Pub. Co. v. City Treasurer of Lynn, 374 Mass. 812, 818 (1978).

<sup>58</sup> Attorney General v. Collector of Lynn, 377 Mass. 151, 156 (1979).