

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joseph S. Raia,

FINAL DECISION

Complainant

Docket #FIC84-202

against

March 13, 1985

Personnel Director of the Civil
Service Commission of the City
and Town of New Britain

Respondent

The above captioned matter was heard as a contested case on January 17, 1985 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. On August 17, 1984 the complainant made a request of the respondent for access to inspect civil service tests for fire lieutenant and fire captain given in May, 1983 and again in July, 1984.
3. By letter dated August 23, 1984 the respondent denied the complainant's request.
4. By letter postmarked September 21, 1984 and received by the Commission on September 24, 1984 the complainant appealed the denial of his request for access to inspect the tests.
5. At hearing, the respondent moved to dismiss the complaint on the ground that the complaint was not received by the Commission until more than thirty days following the denial of his request to inspect records.
6. §1-21i(b), G.S. provides that notices of appeal to the Commission shall be deemed to be filed on the date postmarked, if received more than thirty days after the date of the denial from which such appeal is taken. The respondent's motion was therefore denied.
7. It is found that the records requested are test questions used to administer an examination for employment within the meaning of §1-19(b)(6), G.S. and are therefore exempted from disclosure.

8. The complainant, a member of the New Britain civil service commission, claimed that by virtue of his position he had a right to access to the tests greater than the public right.

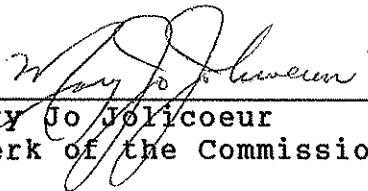
9. It is found, however, that whatever rights the complainant may have due to his position as a civil service commissioner are not cognizable under the Freedom of Information Act and must, if they exist, be pursued in another forum.

10. It is concluded that the respondent's denial of access to the records in question did not violate §§1-15 or 1-19(a), 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.

Approved by order of the Freedom of Information Commission at its regular meeting of March 13, 1985.



Mary Jo Jolicoeur
Clerk of the Commission