

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Thomas J. Bartis,
Complainant

Report of Hearing Officer

against

Docket #FIC79-161

City of Meriden and Mayor of
the City of Meriden,

February 6, 1980

The above entitled matter was heard as a contested case on January 29, 1980 at which time the complainant and the respondent appeared and presented evidence and argument on the complaint.

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

1. The respondent is a public agency with-in the meaning of §1-18a(a), G.S.

2. On June 4, 1979, the complainant requested access to the employee evaluations of department heads of the City of Meriden.

3. The respondent denied the complainant's request.

4. From such denial, the complainant, on June 20, 1979, filed the present complaint with the Commission.

5. The respondent claimed that the Commission had no jurisdiction because the request for access was not in writing.

6. §1-19(a), G.S. provides in relevant part: "Except as otherwise provided by any Federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to inspect such records promptly during regular office or business hours."

7. It is concluded that an oral request for access to records satisfies the requirements of the Freedom of Information Act and that, therefore, the Commission has jurisdiction.

8. The respondent claims that the requested evaluations are exempt from disclosure under §1-19(b)(2), G.S.

9. §1-19(b), G.S. provides in relevant part that "[N]othing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of ... (2) personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy.

10. The employee evaluations of the department heads evaluate the performance of the department heads and provide the basis for decisions of whether or not to grant salary increases to the department heads.

11. It is found that the public has a legitimate interest in the records which evaluate the job performance of the department heads because these public officials are charged with the responsibility of administering the departments of the respondent city.

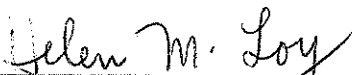
12. It is further found that the public has a legitimate interest in records of the employee evaluations because they provide the basis for granting salary increases which come from public funds.

13. It is further concluded that the respondents failed to prove that disclosure of employee evaluations of the department heads would constitute an invasion of personal privacy.

14. It is found that inspection by the complainant of the employee evaluations of the department heads would not constitute an invasion of personal privacy and that therefore the records are not exempt from disclosure under §1-19(b)(2), G.S.


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

1. The respondents are hereby ordered to provide the complainant with access to the employee evaluations of the department heads of the respondent City of Meriden.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on February 27, 1980.



Leslie Ann McGuire
Clerk of the Commission