

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mario Piazza,

FINAL DECISION

Complainant

Docket #FIC83-46

against

November 4, 1983

Board of Education of the
City of New Britain,

Respondent

The above captioned matter was heard as a contested case on June 23, 1983, 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 December 15, 1982 the complainant submitted an application to the respondent for the position of language arts coordinator.

3. By letter dated March 15, 1983, counsel for the complainant made a request of the respondent for access to inspect the complainant's personnel files, including the file relating to the position of the language arts coordinator.

4. By letter dated March 23, 1983, the respondent informed the complainant's counsel that the complainant's personnel file was open for inspection, but that papers received in connection with the filling of the language arts coordinator position, including letters of reference, were considered confidential and were not open for inspection.

5. By letter of complaint filed with the Commission on April 20, 1983, the complainant appealed the denial of his request to review all documents in his personnel file..

6. It is found that the only records not made available to the complainant by the respondent were letters of reference submitted to the respondent in connection with the complainant's application for the position of language arts coordinator.

7. The respondent claims that the letters of reference are predecisional documents exempted from disclosure pursuant to §1-19(b)(1), G.S. as preliminary drafts or notes.

8. The respondent further claims that the public interest in obtaining candid, confidential responses from persons submitting references clearly outweighs the public interest in disclosure.

9. It is found that letters of reference submitted to the respondent for use in its evaluation of the complainant are not preliminary drafts or notes within the meaning of 1-19(b)(1), G.S.

10. It is also found that the claimed public interest in obtaining candid responses through confidentiality does not outweigh the public interest in protecting job applicants against false or erroneous statements.

11. It is therefore concluded that the requested letters are not exempted from disclosure by §1-19(b)(1), G.S.

12. The respondent also cites §31-128a(3), G.S. to support its claim for nondisclosure.

13. §31-128a(3), G.S., which defines "personnel file" for the purposes of Chapter 563a, G.S., has no application to public records, and is therefore not relevant to the facts at hand.

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

1. The respondent shall forthwith provide the complainant with access to inspect or copy the letters of reference referred to at paragraph 6, above.

Approved by order of the Freedom of Information Commission at its regular meeting of October 26, 1983.



Mary Jo Jolycoeur
Clerk of the Commission