

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
William Goodspeed,

FINAL DECISION

Complainant

Docket #FIC84-141

against

January 16, 1985

Principal Sanitary Eng., State  
of Conn. Dept of Health Serv.

Respondent

The above captioned matter was heard as a contested case on October 11, 1984 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. By letter dated June 20, 1984 the complainant made a request of the respondent for access to inspect his own answer sheets, the question booklets and the master answer sheets for the certification examinations for water treatment plant operator, class IV, taken October 25, 1983 and April 24, 1984.
3. By letter dated June 26, 1984 the respondent denied the complainant's request based upon §1-19(b)(6), G.S. and upon an agreement with the Association of Boards of Certification for Operating Personnel (ABC).
4. By letter of complaint filed with the Commission on July 11, 1984 the complainant appealed the denial of his request.
5. §1-19(b)(6), G.S. exempts from mandatory disclosure "test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations."
6. The complainant claims that the tests in question were for certification, and were not licensing, employment or academic examinations within the meaning of §1-19(b)(6), G.S.

7. It is found that persons who pass the test in question receive a certificate which makes them eligible to be employed by a utility as a "chief operator." Every utility is required by law to employ at least one person certified as a chief operator.

8. It is found that the tests in question are licensing or employment examinations within the meaning of §1-19(b)(6), G.S.

9. It is concluded that the data requested by the complainant, with the exception of his answer sheets, are exempted from disclosure by §1-19(b)(6), G.S.

10. It is concluded that the complainant's answer sheets from the tests in question are subject to disclosure pursuant to §§1-15 and 1-19(a), G.S.

11. It is found that at the time of the complainant's request the respondent no longer had in its possession the complainant's answers to the test administered on October 25, 1983, such records having been returned to ABC.

12. The complainant claims that the respondent cannot, by virtue of a contract with ABC, defeat his right to access under the Freedom of Information Act.

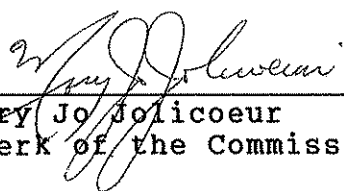
13. It is found that the renting of tests from ABC did not constitute a violation of the Freedom of Information Act.

14. It is found, however, that the respondent violated §1-15 and 1-19(a), G.S. when it failed to provide the complainant with access to inspect his answer sheet from the April 24, 1984 examination.

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 the complainant's answers to the certification examination for water treatment plant operator, class IV, administered on April 24, 1984.

Approved by order of the Freedom of Information Commission at its special meeting of January 16, 1985.

  
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Mary Jo Policoeur  
Clerk of the Commission