

*Regulations of Connecticut State Agencies*

TITLE 7. Municipalities

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*Agency*

**Commission on Fire Prevention and Control**

*Subject*

**Description of Organization, Course of Operation and Rules of Procedure**

*Inclusive Sections*

**§§ 7-323k-1—7-323k-6**

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**Description of Organization, Course of Operation and Rules of Procedure**

**Sec. 7-323k-1. Organization**

The members of the Commission shall be appointed in accordance with the Provisions of Section 7-323k of the General Statutes to which reference may be had. In addition, the Commission shall annually select from among its members a chairman, a vice-chairman and a secretary who shall have the duties and responsibilities ordinarily attendant to such positions.

(Effective June 14, 1977)

**Sec. 7-323k-2. Methods of operations**

The Commission shall conduct meetings in accordance with the Provisions of Sec. 7-323k (c) of the General Statutes to which reference may be had.

(Effective June 14, 1977)

**Sec. 7-323k-3. Public access**

The members of the public may obtain information in accordance with the Freedom of Information Act (P.A. 75-342) or any other applicable statute or make submissions or requests either directly to the Commission at its regular meetings or by mail to the State Fire Administrator who shall be authorized to provide such information or at his discretion to submit the same for consideration before the entire Commission. All information received by the Commission shall be considered public information and available upon request. Commission meetings shall be open to the public in accordance with Section 1-21 of the General Statutes as amended.

(Effective June 14, 1977)

**Sec. 7-323k-4. Rules of procedure**

Rules of Procedure shall be the “Guidelines for Procedures” of the Commission which follow:

A. **Meetings.** 1. Meetings of the Commission shall be prescribed by statutory provision and by such rules as the Commission may pass so long as they do not conflict with statutory provisions.

2. It shall be the duty of the Chairman, with the concurrence of the Commission, to name the date, time, and location of all meetings of the Commission and to notify all interested parties at least ten days prior to such meetings. Special meetings may be called by the Chairman on his own initiative or at the request of four members upon 48-hour notice to all members.

3. A meeting of the Commission is a meeting which, though it may last for several days, shall be considered one meeting. The intermediate adjournments from day to day, or recesses taken during the day, do not destroy the continuity of the meetings, which in reality constitute one session.

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4. A meeting of the Commission shall be closed by moving “to adjourn.”

**B. Quorum.** 1. A quorum of the Commission is such a number as must be present in order that business can be legally transacted. Eight members of the Commission shall constitute a quorum.

2. The quorum refers to the number present, not to the number voting.

3. In the event there is not a quorum present, the Chairman of the Commission may only conduct business concerning: Obtaining a quorum, fixing the adjournment time, adjournment, or take a recess.

4. Unanimous consent cannot be given when a quorum is not present and a notice given then is not valid.

**C. Order of business.** 1. The Commission shall conduct business in the following order:

a. Reading the minutes of the previous meeting (and their approval).

b. Reports of any standing committees.

c. Reports of any special committees.

d. Special orders.

e. Unfinished business and general orders.

f. New business.

2. The minutes of the Commission are read only once a day at the beginning of the day’s business. The fifth item in the order of business includes:

a. The business pending and undisposed of at the previous adjournment.

b. The general orders that were on the calendar for the previous meeting which were not disposed of.

c. Matters postponed to this meeting that have not been disposed of.

3. At every meeting of the Commission the Chairman shall have an agenda of the order of business for the use of the Commission. The agenda shall be sent to all members with the notice for the meeting. The Chairman, as soon as a matter is disposed of, should announce the next order of business. When reports are in order, the Chairman should call for such reports in their order and when unfinished business is in order, he should announce the various questions in their proper order as stated above. If it is desired to transact business out of its normal order, it is necessary to suspend the rules, which can be done by a two-thirds vote.

**D. Motions before the commission.** 1. Before any subject is open to debate it is necessary that a motion be made by a member of the Commission who has been recognized, and that it be stated by the Chair.

2. The procedures for the conduct of Commission meetings is generally that recognized in “Roberts Rules of Order.”

3. When a motion has been made and seconded, it is the duty of the Chairman, unless he rules it out of order, immediately to state the question—that is, state the exact question that is before the Commission for its consideration and action.

4. After a question has been stated by the Chairman, it is before the Commission for consideration and action. All resolutions, reports of committees, communications to the

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Commission, and all amendments proposed to the Commission, and all other motions may be debated before final action is taken on them, unless by a two-thirds vote the Commission decides to dispose of them without debate. By a two-thirds vote is meant two-thirds of the votes cast, a quorum being present. In debate each member of the Commission has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question as long as any member who has not spoken on that question desires to speak. No one can speak longer than ten minutes at a time without permission of the Commission.

5. Debate must be limited to the merits of the immediately pending question— that is, the last motion stated by the Chairman that is still pending.

6. When the debate appears to have closed, the Chairman asks again, “Are you ready for the question?” If no one claims the floor he proceeds to take the vote on the motion, first calling for the affirmative and then for the negative vote. In putting the question, the Chairman should make perfectly clear what the motion is that the Commission is to decide. If the question is on the adoption of a resolution, unless it has been read very recently, it should be read again, the question being put in a manner similar to this: “This motion is on the adoption of the resolution” (which the Chair reads).

E. **Procedures.**1. During the meetings of the Commission there are occasions when members wish to obtain information, to do, or to have done, things that necessitate their making a request. Among these are the following, which will be treated separately:

a. To answer any questions on parliamentary law, pertinent to the pending business, that may be necessary to enable the member to make a suitable motion or to raise a point of order. The Chairman is expected to be familiar with parliamentary law, while many members of the Commission are not.

b. Request for Information. A request for information relating to the pending business is treated just as a parliamentary inquiry, and has the same privileges.

c. Leave to Withdraw or Modify a Motion. A request for leave to withdraw a motion, or a motion to grant such leave, may be made at any time before voting on the question has commenced, even though the motion has been amended. It requires no second.

d. To be Excused from a Duty. If a member of the Commission is elected to office, appointed to a committee, or has any other duty placed on him and he is unable or unwilling to perform the duty, if present, he should decline it immediately and if absent, he should, upon learning of the fact, at once notify the Chairman orally or in writing that he cannot accept the duty.

2. To amend takes precedence over the motion to postpone indefinitely and yields to all other motions. It can be applied to all motions. It can be amended itself, but this “amendment of an amendment” cannot be amended. An amendment is debatable in all cases except where the motion to be amended is undebatable. An amendment of a pending question requires only a simple majority vote for adoption, even though the question to be amended requires a two-thirds vote. An amendment of a rule of order or order of business previously adopted requires a two-thirds vote, but an amendment of the amendment requires majority vote. An

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amendment may be in any of the following forms:

- a. To insert or add (that is, place at the end).
- b. To strike out.
- c. To strike out and insert or substitute, as it is called, when the entire paragraph or resolution is struck out and another is inserted.
- d. To amend by substitution.

3. If the question is undebatable or debate has been closed by order of the Commission, the Chairman, immediately after stating the question, puts it to a vote. If the question is debatable and no one claims the floor, after the question is stated by the Chairman, he should inquire, "Are you ready for the question?" After a moment's pause, if no one claims the floor, he should put the question to a vote. If the question is debated or motions are made, the Chairman should wait until the debate has apparently ceased, when he should again inquire, "Are you ready for the question?" Having given ample time for any one to claim the floor, and no one having done so, he should put the question to vote and announce the result.

4. Only members of the Commission prescribed by law may cast their vote on any question before the Commission. There shall be no vote by proxy.

**F. Chairman.** 1. His duties are generally as follows: To open the session at the time at which the Commission is to meet, by taking the chair and calling the members to order; to announce the business before the Commission in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and to put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to appoint subcommittees as these may be authorized by vote of the Commission; to protect the Commission from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every way compatible with the rights of the members of the Commission by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members of the Commission deciding all questions of order (subject to an appeal to the Commission by any two members) unless when in doubt he prefers to submit the question for decision of the Commission; to inform the Commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; and to authenticate, by his signature, when necessary, all the acts, orders, and proceedings of the Commission declaring its will.

2. During debate he should be seated and pay attention to the speaker, who is required to address his remarks to the Chairman. When a member has the floor, the Chairman cannot interrupt him so long as he does not transgress any of the rules of the Commission.

3. The Chairman cannot close debate unless by order of the Commission which requires a two-thirds vote; nor can he prevent the making of legitimate motions by hurrying through the proceedings. If members of the Commission are reasonably prompt in exercising their right to speak or make motions, the Chairman cannot prevent their doing so. If he has

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hurriedly taken and announced a vote while a member is addressing the chair preparatory to speaking, the vote is null and void, and the member must be recognized. On the other hand the Chairman should not permit the object of a meeting to be defeated by a few factious persons using parliamentary forms with the evident object of obstructing business.

4. The Vice-Chairman shall act in the absence of the Chairman and, when so acting, shall have the same duties as the Chairman.

**G. Secretary.**1. The secretary is the recording officer of the Commission and the custodian of its records except such as are specifically assigned to others. These records are open, however, to inspection by any member of the Commission at reasonable times, and when a subcommittee needs any records for the proper performance of its duties, they should be turned over to its chairman.

2. In addition to the above duties, when there is only one secretary, it is his duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the Commission, except as otherwise provided.

3. Prior to each meeting, the Secretary should make out an order of business for the use of the Chairman which lists in exact order matters that must come before the Commission. He should keep a record of the proceedings stating what was done and not what was said unless it is to be published. He should never make criticisms, favorable or otherwise, on anything said or done.

**H. The minutes.**1. The record of the proceedings of a deliberative Commission meeting is called the minutes. The essentials of the record are as follows:

a. The kind of meeting, “regular” (or stated) or “special” or “adjourned regular” or “adjourned special.”

b. Date of meeting and place, when it is not always the same.

c. The fact of the presence of the Chairman and secretary or, in their absence, the names of their substitutes, and the names of the members present.

d. Whether the minutes of the previous meeting were approved or their reading dispensed with.

e. The dates of the meetings being given when it is customary to occasionally transact business at other than the regular business meeting.

f. All the main motions (except those which were withdrawn), points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn. A record shall be kept of each vote of individual members of the Commission.

g. Usually the hours of meeting and adjournment, when the meeting is solely for business. Generally the name is recorded of the member who introduced a main motion.

(Effective June 14, 1977)

**Sec. 7-323k-5. Public inspection**

The records of the Commission shall be maintained in the Office of State Fire Administration and shall be available for public inspection at all reasonable times.

(Effective June 14, 1977)

**Sec. 7-323k-6. Personal data**

**(a) Definitions**

(1) The following definitions shall apply to this section of regulations.

(A) “Category of Personal Data” means the classifications of personal information set forth in the Personal Data Act, Connecticut General Statutes 4-190 (9).

(B) “Other Data” means any information which because of name, identification number, mark or description can be readily associated with a particular person.

(C) “Commission” means Commission on Fire Prevention and Control.

(2) Terms defined in Connecticut General Statutes Sec. 4-190 shall apply to this section of regulations.

**(b) General Nature and Purpose of Personal Data Systems**

(1) The Commission maintains the following personal data system:

**(A) Personnel Records**

(i) All personnel records are maintained at the Commission’s Office, 34 Perimeter Road, Windsor Locks, Connecticut.

(ii) Personnel records are maintained in both automated and manual form.

(iii) Personnel records are maintained for the purpose of retaining payroll, health, discipline and related personnel information concerning Commission employees.

(iv) Personnel records are the responsibility of the fiscal administrative supervisor of the commission. All requests for disclosure or amendment of these records should be directed to the fiscal administrative supervisor.

(v) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by the applicants, the employee’s supervisor, the Comptroller’s Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(vi) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Connecticut General Statutes Sec. 5-193 et seq.

**(B) Training and Certification Records**

(i) Records are maintained at the Commission’s Office, 34 Perimeter Road, Windsor Locks, Connecticut, 06096.

(ii) Records are maintained in both automated and manual form.

(iii) Records are maintained for the purpose of determining training completed and certification achieved by firefighters, fire instructors, and fire officers.

(iv) Training records are maintained by the Director of Fire Training, 34 Perimeter Road, Windsor Locks, Connecticut, 06096. Certification records are maintained by the Certification Division Fire Service Analyst, 34 Perimeter Road, Windsor Locks, Connecticut, 06096. All requests for disclosure or amendment of training records should be made to the Director of Fire Training. All requests for disclosure or amendment of certification records should be made to the Certification Division Fire Service Analyst.

(v) Routine sources of information retained in training and certification records include applications for training, certification, training records, certification testing grades and fire

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department affiliation.

(vi) Personal data in training and certification records are collected, maintained and used under authority of Connecticut General Statutes Sec. 7-323.

(c) **Categories of Personal Data**

(1) Personnel Records

(A) The following categories of personal data may be maintained in personnel records:

- (i) Educational records.
- (ii) Medical or emotional condition or history.
- (iii) Employment or business history.
- (iv) Other reference records.

(B) The following categories of other data may be maintained in personnel records:

- (i) Addresses.
- (ii) Telephone numbers.

(C) Personnel records are maintained on employees of the Commission and applicants for employment with the Commission.

(2) Training and Certification Records

(A) The following categories of personal data may be maintained in training and certification records:

- (i) Educational records.
- (ii) Certification test scores.
- (iii) Application records for purpose of determining the qualifications of applicants.
- (iv) Certification exam scores.
- (v) Other reference records.

(B) The following categories of other data may be maintained in training and certification records:

- (i) Fire department affiliation.
- (ii) Fire department rank.
- (iii) Career status.
- (iv) Addresses.
- (v) Records of administrative action.
- (vi) Telephone numbers.
- (vii) Social Security number.

(C) Training and certification records are maintained on applicants or holders of certificates in either training or certification.

(d) **Maintenance of Personal Data**

(1) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the Commission. Where the Commission finds irrelevant or unnecessary public records in its possession, the Commission shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Connecticut General Statutes Sec. 11-8a, or if the records are not disposable under the records retention schedule, shall request permission from the Public

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Records Administrator to dispose.

(2) The Commission will collect and maintain all records with accuracy and completeness.

(3) Insofar as it is consistent with the needs and mission of the Commission, the Commission, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(4) Commission employees involved in the operation of the Agency's personal data systems will be informed of the provisions of the (A) The Personal Data Act, (B) the Commission's regulations adopted pursuant to Sec. 4-196, (C) the Freedom of Information Act and (D) any other state or federal statute or regulations concerning maintenance or disclosure or personal data kept by the Commission.

(5) All Commission employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The Commission shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Commission or on its behalf.

(7) An agency requesting personal data from any other state agency shall have an independent obligation to insure that the personal data is properly maintained.

(8) Only Commission employees who have a specific need to review personal data records for lawful purposes of the Commission shall be entitled to access to such records under the Personal Data Act.

(9) The Commission will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The Commission will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(11) The Commission will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(12) With respect to automated personal data systems:

(A) The Commission shall, to the greatest extent practical, locate automated equipment and records in a limited access area,

(B) To the greatest extent practical, the Commission shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only,

(C) The Commission, to the greatest extent practical, will insure that the regular access to automated equipment is limited to operations personnel,

(D) The Commission shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(e) **Disclosure of Personal Data**

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(1) Within four business days of receipt of a written request therefor, the Commission shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Commission maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or specifically permitted by law, the Commission shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Commission. The procedures for disclosure shall be in accordance with Connecticut General Statute Section 1-15 through 1-21k. If the personal data is maintained in coded form, the Commission shall transcribe the data into a commonly understandable form before disclosure.

(3) The Commission is responsible for verifying the identity of any person requesting access to his/her own personal data.

(4) The Commission is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) The Commission may refuse to disclose to a person medical, psychiatric or psychological data on that person if the Commission determines that such disclosure would be detrimental to that person.

(6) In any case where the Commission refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the Commission refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Commission shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Commission shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Commission shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The Commission shall maintain a complete log of each person, individual, agency or organization who has obtained access or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

**(f) Contesting the Content of Personal Data Records**

(1) Any person who believes that the Commission is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Commission for correction of said personal data.

(2) Within 30 days of receipt of such request, the Commission shall give written notice to that person that it will make the requested correction, or if the correction is not to be

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made as submitted, the Commission shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(3) Following such denial by the Commission, the person requesting such correction shall be permitted to add a statement to his or her personal data records setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the Commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed data is disclosed.

**(g) Uses To Be Made Of The Personal Data**

**(1) Personnel Records**

(A) Personnel records are routinely used for evaluating the qualifications of employment applicants and the work performance of employees of the Commission. Users include the Business Manager and other state officers and employees with responsibility for evaluating the work performance of employees of the Commission and others where permitted or required by law.

(B) Personnel records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available at Commission offices.

**(2) Training and Certification Records**

(A) Records of individuals are routinely used for evaluating skills and knowledge of applicants. Users include those officers and employees of the Commission involved with training and certification.

(B) Training and certification records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available at Commission offices.

(3) When an individual is asked to supply personal data to the Commission, the Commission shall disclose to that individual, upon request:

(A) The name of the Commission and division within the Commission requesting the personal data;

(B) The legal authority under which the Commission is empowered to collect and maintain the personal data;

(C) The individual's rights pertaining to such records under the Personal Data Act and agency regulations;

(D) The known consequences arising from supplying or refusing to supply the requested personal data;

(E) The proposed use to be made of the requested personal data.

(Effective June 7, 1996; Amended October 6, 2005)