



House of Representatives

General Assembly

File No. 121

February Session, 2000

Substitute House Bill No. 5679

House of Representatives, March 20, 2000

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Amending Statutes Related To The Department Of Information Technology.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-210 of the general statutes, as
2 amended by section 1 of public act 99-156, is repealed and the
3 following is substituted in lieu thereof:

4 (b) Nothing in the Freedom of Information Act shall be construed to
5 require disclosure of:

6 (1) Preliminary drafts or notes provided the public agency has
7 determined that the public interest in withholding such documents
8 clearly outweighs the public interest in disclosure;

9 (2) Personnel or medical files and similar files the disclosure of
10 which would constitute an invasion of personal privacy;

11 (3) Records of law enforcement agencies not otherwise available to
12 the public which records were compiled in connection with the
13 detection or investigation of crime, if the disclosure of said records
14 would not be in the public interest because it would result in the
15 disclosure of (A) the identity of informants not otherwise known or the
16 identity of witnesses not otherwise known whose safety would be
17 endangered or who would be subject to threat or intimidation if their
18 identity was made known, (B) signed statements of witnesses, (C)
19 information to be used in a prospective law enforcement action if
20 prejudicial to such action, (D) investigatory techniques not otherwise
21 known to the general public, (E) arrest records of a juvenile, which
22 shall also include any investigatory files, concerning the arrest of such
23 juvenile, compiled for law enforcement purposes, (F) the name and
24 address of the victim of a sexual assault under section 53a-70, as
25 amended, 53a-70a, as amended, 53a-71, 53a-72a, 53a-72b, as amended,
26 or 53a-73a, or injury or risk of injury, or impairing of morals under
27 section 53-21, or of an attempt thereof, or (G) uncorroborated
28 allegations subject to destruction pursuant to section 1-216;

29 (4) Records pertaining to strategy and negotiations with respect to
30 pending claims or pending litigation to which the public agency is a
31 party until such litigation or claim has been finally adjudicated or
32 otherwise settled;

33 (5) Trade secrets, which for purposes of the Freedom of Information
34 Act, are defined as unpatented, secret, commercially valuable plans,
35 appliances, formulas or processes, which are used for the making,
36 preparing, compounding, treating or processing of articles or materials
37 which are trade commodities obtained from a person and which are
38 recognized by law as confidential, and commercial or financial
39 information given in confidence, not required by statute;

40 (6) Test questions, scoring keys and other examination data used to
41 administer a licensing examination, examination for employment or

42 academic examinations;

43 (7) The contents of real estate appraisals, engineering or feasibility
44 estimates and evaluations made for or by an agency relative to the
45 acquisition of property or to prospective public supply and
46 construction contracts, until such time as all of the property has been
47 acquired or all proceedings or transactions have been terminated or
48 abandoned, provided the law of eminent domain shall not be affected
49 by this provision;

50 (8) Statements of personal worth or personal financial data required
51 by a licensing agency and filed by an applicant with such licensing
52 agency to establish [his] the applicant's personal qualification for the
53 license, certificate or permit applied for;

54 (9) Records, reports and statements of strategy or negotiations with
55 respect to collective bargaining;

56 (10) Records, tax returns, reports and statements exempted by
57 federal law or state statutes or communications privileged by the
58 attorney-client relationship;

59 (11) Names or addresses of students enrolled in any public school or
60 college without the consent of each student whose name or address is
61 to be disclosed who is eighteen years of age or older and a parent or
62 guardian of each such student who is younger than eighteen years of
63 age, provided this subdivision shall not be construed as prohibiting the
64 disclosure of the names or addresses of students enrolled in any public
65 school in a regional school district to the board of selectmen or town
66 board of finance, as the case may be, of the town wherein the student
67 resides for the purpose of verifying tuition payments made to such
68 school;

69 (12) Any information obtained by the use of illegal means;

70 (13) Records of an investigation or the name of an employee

71 providing information under the provisions of section 4-61dd;

72 (14) Adoption records and information provided for in sections 45a-
73 746, as amended, 45a-750 and 45a-751;

74 (15) Any page of a primary petition, nominating petition,
75 referendum petition or petition for a town meeting submitted under
76 any provision of the general statutes or of any special act, municipal
77 charter or ordinance, until the required processing and certification of
78 such page has been completed by the official or officials charged with
79 such duty after which time disclosure of such page shall be required;

80 (16) Records of complaints, including information compiled in the
81 investigation thereof, brought to a municipal health authority pursuant
82 to chapter 368e or a district department of health pursuant to chapter
83 368f, until such time as the investigation is concluded or thirty days
84 from the date of receipt of the complaint, whichever occurs first;

85 (17) Educational records which are not subject to disclosure under
86 the Family Educational Rights and Privacy Act, 20 USC 1232g;

87 (18) Records, the disclosure of which the Commissioner of
88 Correction has reasonable grounds to believe may result in a safety
89 risk, including the risk of harm to any person or the risk of an escape
90 from, or a disorder in, a correctional institution or facility under the
91 supervision of the Department of Correction. Such records shall
92 include, but are not limited to:

93 (A) Security manuals, including emergency plans contained or
94 referred to in such security manuals;

95 (B) Engineering and architectural drawings of correctional
96 institutions or facilities;

97 (C) Operational specifications of security systems utilized by the
98 Department of Correction at any correctional institution or facility,

99 except that a general description of any such security system and the
100 cost and quality of such system, may be disclosed;

101 (D) Training manuals prepared for correctional institutions and
102 facilities that describe, in any manner, security procedures, emergency
103 plans or security equipment;

104 (E) Internal security audits of correctional institutions and facilities;

105 (F) Minutes or recordings of staff meetings of the Department of
106 Correction, or portions of such minutes or recordings, that contain or
107 reveal information relating to security or other records otherwise
108 exempt from disclosure under this subdivision;

109 (G) Logs or other documents that contain information on the
110 movement or assignment of inmates or staff at correctional institutions
111 or facilities; and

112 (H) Records that contain information on contacts between inmates,
113 as defined in section 18-84, and law enforcement officers.

114 (19) Records of security standards, procedures, processes, software
115 and codes, not otherwise available to the public, that would allow
116 access to information technology systems.

117 Sec. 2. Subsection (a) of section 3 of public act 99-155 is repealed and
118 the following is substituted in lieu thereof:

119 (a) A state agency may allow any governmental record that is
120 created, owned, used, distributed or maintained by such agency to be
121 in the form of an electronic record. A state agency may allow
122 governmental records received by such agency and identified in
123 regulations adopted [by such agency] pursuant to section [4 of this act]
124 5 of public act 99-155 to be in the form of electronic records.

125 Sec. 3. Subsection (a) of section 4 of public act 99-155 is repealed and

126 the following is substituted in lieu thereof:

127 (a) A state agency may allow any governmental record created,
128 owned, used, distributed or maintained by such agency to be signed
129 with an electronic signature. A state agency may allow governmental
130 records received by such agency and identified in regulations adopted
131 [by such agency] pursuant to section 5 of [this act] public act 99-155 to
132 be signed with an electronic signature.

133 Sec. 4. Section 5 of public act 99-155 is repealed and the following is
134 substituted in lieu thereof:

135 (a) [A state agency] The Chief Information Officer of the
136 Department of Information Technology, in consultation with the
137 Secretary of the Office of Policy and Management, may adopt
138 regulations, in accordance with the provisions of chapter 54 of the
139 general statutes, governing:

140 (1) [The state agency's] Executive branch state agencies' creation,
141 ownership, use, distribution, receipt and maintenance of governmental
142 records, in accordance with sections 11-8 and 11-8a of the general
143 statutes, in the form of electronic records;

144 (2) The conversion of written governmental records into electronic
145 records; and

146 (3) If a governmental record may be electronically signed, the type
147 of electronic signature required, and the manner and format in which
148 the electronic signature may be affixed to the electronic record.

149 (b) Regulations adopted [by a state agency] under subsection (a) of
150 this section relating to the use of electronic records or electronic
151 signatures shall (1) encourage and promote consistency and
152 interoperability [with similar requirements adopted by other] between
153 executive branch state agencies, and (2) ensure the integrity of the
154 original information contained in electronic records.

155 (c) Regulations adopted under subsection (a) of this section shall not
156 apply to the offices of the State Treasurer, Comptroller, Secretary of the
157 State and Attorney General. Each said office may adopt regulations, in
158 accordance with the provisions of chapter 54 of the general statutes, to
159 carry out the purposes of the regulations adopted under said
160 subsection (a) with regard to said office.

161 Sec. 5. Sections 4d-45 and 4d-46 of the general statutes are repealed.

GAE Committee Vote: Yea 22 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Information Technology, Office of Policy and Management, Various Executive Branch State Agencies

Municipal Impact: None

Explanation

State Impact:

The passage of this bill would result in no additional costs to the state. The bill requires the Chief Information Officer in the Department of Information Technology (DOIT), in consultation with the Secretary of the Office of Policy and Management (OPM) to adopt regulations applicable to all executive branch state agencies regarding the creation, use, distribution, and maintenance of electronic records. DOIT and OPM can develop these standards and regulations within available resources.

The bill also exempts the state's information technology (IT) systems' security standards and other IT information from Freedom of Information Act disclosure requirements. This has no fiscal impact.

OLR Bill Analysis

sHB 5679

AN ACT AMENDING STATUTES RELATED TO THE DEPARTMENT OF INFORMATION TECHNOLOGY.

SUMMARY:

This bill exempts information technology systems' security standards, procedures, processes, software, and codes, not otherwise available to the public, from the Freedom of Information Act's disclosure requirements.

The bill eliminates the authority of each state agency to adopt regulations regarding the creation, use, distribution, and maintenance of electronic records. It instead requires the Department of Information Technology's chief information officer, in consultation with the Office of Policy and Management secretary, to adopt regulations applicable to all executive branch state agencies. The offices of the state treasurer, comptroller, secretary of the state, and attorney general may adopt their own regulations.

The bill repeals obsolete statutory sections on outsourcing state information technology systems.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute Report

Yea 22 Nay 0