



Senate

General Assembly

File No. 445

January Session, 2001

Substitute Senate Bill No. 1239

Senate, April 25, 2001

The Committee on Government Administration and Elections reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INTERNET PRIVACY.

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

1 Section 1. Subdivision (9) of section 4-190 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (9) "Personal data" means any information about a person's
4 education, finances, medical or emotional condition or history,
5 employment or business history, family or personal relationships,
6 political or religious beliefs, reputation or character which because of
7 name, identifying number, mark or description can be readily
8 associated with a particular person. "Personal data" shall not be
9 construed to make available to a person any record described in
10 subdivision (3) of subsection (b) of section 1-210.

11 Sec. 2. Section 4-193 of the general statutes is repealed and the
12 following is substituted in lieu thereof:

13 Each agency shall:

14 [(a)] (1) Inform each of its employees who operates or maintains a
15 personal data system or who has access to personal data, of the
16 provisions of [(1)] (A) this chapter, [(2)] (B) the agency's regulations
17 adopted pursuant to section 4-196, [(3)] (C) the Freedom of Information
18 Act, as defined in section 1-200, and [(4)] (D) any other state or federal
19 statute or regulation concerning maintenance or disclosure of personal
20 data kept by the agency;

21 [(b)] (2) Take reasonable precautions to protect personal data from
22 the dangers of fire, theft, flood, natural disaster or other physical
23 threats;

24 [(c)] (3) Keep a complete record, concerning each person, of every
25 individual, agency or organization who has obtained access to or to
26 whom disclosure has been made of personal data and the reason for
27 each such disclosure or access; and maintain such record for not less
28 than five years from the date of obtaining such access or disclosure or
29 maintain such record for the life of the record, whichever is longer;

30 [(d)] (4) Make available to a person, upon written request, the record
31 kept under [subsection (c)] subdivision (3) of this section;

32 [(e)] (5) Maintain only that information about a person which is
33 relevant and necessary to accomplish the lawful purposes of the
34 agency;

35 [(f)] (6) Inform an individual in writing, upon written request,
36 whether the agency maintains personal data concerning [him] the
37 individual;

38 [(g)] (7) Except as otherwise provided in section 4-194, disclose to a
39 person, upon written request, on a form understandable to such
40 person, all personal data concerning [him] the person which is
41 maintained by the agency. If disclosure of personal data is made under

42 this subsection, the agency shall not disclose any personal data
43 concerning persons other than the requesting person;

44 [(h)] (8) Establish procedures which:

45 [(1)] (A) Allow a person to contest the accuracy, completeness or
46 relevancy of [his] the person's personal data;

47 [(2)] (B) Allow personal data to be corrected upon request of a
48 person when the agency concurs in the proposed correction;

49 [(3)] (C) Allow a person who believes that the agency maintains
50 inaccurate or incomplete personal data concerning [him] the person to
51 add a statement to the record setting forth what [he] the person
52 believes to be an accurate or complete version of that personal data.
53 Such a statement shall become a permanent part of the agency's
54 personal data system, and shall be disclosed to any individual, agency
55 or organization to which the disputed personal data is disclosed;

56 (9) Collect personal data to the greatest extent feasible from the
57 person directly;

58 (10) Maintain personal data in the system with accuracy,
59 completeness, timeliness and pertinence as necessary to assure fairness
60 in determinations relating to the person;

61 (11) Make no dissemination of personal data to another agency
62 without (A) specifying requirements for security and usage including
63 limitations on access to the personal data, and (B) receiving reasonable
64 assurances that such requirements and limitations will be observed,
65 except that this subdivision does not apply to a dissemination made by
66 an agency to an agency in another state, district or territory of the
67 United States if the personal data is requested by the agency of such
68 other state, district or territory in connection with the application of the
69 person who is the subject of the data for a service, privilege or right
70 under the laws of such state, district, or territory; and

71 (12) Establish appropriate safeguards to secure the system in which
72 personal data is maintained from any reasonably foreseeable threat to
73 its security.

74 Sec. 3. (NEW) (a) No later than December 31, 2001, each agency, as
75 defined in section 4-190 of the general statutes, that has an Internet
76 web site maintained by such agency shall, within available resources,
77 develop an Internet privacy policy. The policy shall be consistent with
78 the requirements of sections 4-190 to 4-197, inclusive, of the general
79 statutes, as amended by this act. No later than December 31, 2002, such
80 policy shall be made available, in a conspicuous manner, on the
81 agency's web site.

82 (b) The Commissioner of Administrative Services shall develop
83 guidelines for developing a policy pursuant to subsection (a) of this
84 section. Such guidelines shall not be considered regulations, as defined
85 in section 4-166 of the general statutes.

86 (c) Each agency shall tailor the policy to reflect the data collection
87 and maintenance practices of such agency. The policy shall include,
88 but not be limited to: (1) Identifying the personal data, including
89 personally identifiable data including, but not limited to, the name or
90 address of the person, that will be collected, if any; (2) whether the
91 agency will post any personal data on the web site and, if so, what
92 personal data; (3) whether the web site automatically places a coded
93 computer file on the Internet user's computer that identifies the user
94 during subsequent visits to the agency's web site, and, if so, for what
95 purpose; and (4) how the collected data is being used or will be used.

96 Sec. 4. Subsection (e) of section 17a-238 of the general statutes is
97 repealed and the following is substituted in lieu thereof:

98 (e) The Commissioner of Mental Retardation shall ensure that each
99 person placed or treated under [his] the direction of the commissioner
100 in any public or private facility is afforded the following rights and

101 privileges: (1) The right to prompt, sufficient and appropriate medical
102 and dental treatment; (2) the right to communicate freely and privately
103 with any person, including, but not limited to, an attorney or other
104 legal representative of [his] such person's choosing; (3) the right to
105 reasonable access to a telephone, both to make and receive calls in
106 private, unless such access is used in violation of any federal or state
107 statute; (4) the right to send and receive unopened mail and to make
108 reasonable requests for assistance in the preparation of
109 correspondence; (5) the safety of each person's personal effects shall be
110 assured including the provision of reasonably accessible individual
111 storage space; (6) the right to be free from unnecessary or excessive
112 physical restraint; (7) the right to voice grievances without
113 interference; (8) the right to a nourishing and well-balanced diet; (9)
114 the right to be employed outside a facility and to receive assistance in
115 his or her efforts to secure suitable employment. The department shall
116 encourage the employment and shall promote the training of such
117 persons for gainful employment, and all benefits of such employment
118 shall accrue solely to the person employed; (10) the right to have the
119 complete record maintained by the Department of Mental Retardation
120 concerning such person released for review, inspection and copying to
121 such person's attorney or other legal representative notwithstanding
122 any provisions of [subsection (g)] subdivision (7) of section 4-193, as
123 amended by this act, or section 4-194; and (11) the right to receive or
124 purchase his or her own clothing and personal effects, including toilet
125 articles, and the right to wear such clothing and use such personal
126 effects except where determined to be dangerous to the health or safety
127 of the individual or others.

128 Sec. 5. This act shall take effect July 1, 2001.

ET **JOINT FAVORABLE SUBST. C/R** **GAE**
GAE **JOINT FAVORABLE**

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: Minimal Cost

Affected Agencies: Department of Administrative Services,
Department of Information Technology

Municipal Impact: None

Explanation

State Impact:

This bill results in minimal additional costs to the state that can be absorbed within existing resources. The bill increases the amount of information that state agencies must keep private. It requires each agency that maintains a website to develop and post an Internet privacy policy by December 31, 2001. The Internet policy will be based on guidelines developed by the Department of Administrative Services.

It is anticipated that DAS will utilize the guidelines already established by the Department of Information Technology (DOIT). DOIT has already developed privacy policy guidelines, which they require agencies to adhere to. DOIT provides and maintains Internet access for all state agencies through their Technical Services Revolving Fund. If agencies decide to adopt a more stringent policy, they must post notice of that on their website.

Anyone aggrieved by an agency's action can seek an injunction, damages, or other forms of relief from the Superior Court. The number of such actions is anticipated to be minimal, resulting in

potential minimal costs that can be absorbed within existing resources.

OLR BILL ANALYSIS

sSB 1239

AN ACT CONCERNING INTERNET PRIVACY.**SUMMARY:**

This bill imposes additional requirements on public agencies to protect the privacy of the people on whom they have data. It expands the data that they must protect to include information about a person's political or religious beliefs. It restricts dissemination of personal data among government agencies.

The bill requires each agency that maintains a Website to develop and post an Internet privacy policy. (Almost all state agencies, and many local agencies, maintain Websites.)

Public agencies include state and local agencies, other than the legislature, courts, governor, lieutenant governor, attorney general, and school boards.

EFFECTIVE DATE: July 1, 2001

AGENCY PRIVACY REQUIREMENTS

The law imposes a wide range of requirements on public agencies about how they must maintain and disseminate personal data they keep in their files. The bill requires them to protect personal data about a person's religious or political beliefs the same way they must protect information about a person's finances, health, employment history, and several other characteristics that can be readily associated with an individual.

By law, agencies can maintain information about a person only if it is relevant and necessary to accomplish the agency's lawful purposes. An agency must inform a person, upon his written request, whether it has personal data on him and make any such data available to him at

his written request. Agencies must also develop procedures allowing a person to (1) contest the accuracy, completeness, or relevancy of the data and (2) correct inaccuracies, with the agency's concurrence, or add a statement to the file if the agency does not concur. Agencies must adopt regulations about their personal data systems, which must conform with standards established by the attorney general. Anyone aggrieved by an agency's action can seek an injunction, damages, or other forms of relief from Superior Court.

The bill also requires each agency to:

1. collect personal data, to the greatest extent feasible, directly from the person;
2. maintain personal data with accuracy, completeness, timeliness, and pertinence to assure fairness in determinations relating to the person; and
3. establish appropriate safeguards to secure the personal data system from any reasonably foreseeable threat to its security.

The bill bars agencies from disseminating personal data to another agency unless they (1) specify requirements for security and usage, including limits on access to the personal data, and (2) receive reasonable assurances from that agency that it will observe these requirements and limitations. These provisions do not apply when the agencies disseminate personal data to an out-of-state government agency about an applicant for a privilege, right, or service under the laws of that jurisdiction.

INTERNET PRIVACY POLICIES

Under the bill, each agency that maintains a Website must develop an Internet privacy policy by December 31, 2001. The Department of Administrative Services must develop guidelines (which are not considered regulations) for these policies.

The policies must be consistent with the law governing agency privacy practices. Each agency must tailor them to reflect how it collects and maintains data. The policies must identify:

1. the personal data, including such things as names and addresses, the agency will collect;
2. what personal data, if any, the agency will post on the web site;
3. whether the web site automatically places a coded computer file (a "cookie") on the Internet user's computer that identifies him during subsequent visits to the agency's web site, and, if so, for what purpose; and
4. how the collected data is being or will be used.

Each agency must post its policy on its Website by December 31, 2002.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute Change of Reference

Yea 16 Nay 0

Government Administration and Elections Committee

Joint Favorable Report

Yea 20 Nay 0