



General Assembly

Substitute Bill No. 1239

January Session, 2001

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2 repealed and the following is substituted in lieu thereof: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 Section 4-193 of the general statutes is repealed and the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

