



General Assembly

February Session, 2002

Amendment

LCO No. 3169

SB0051403169SR0

Offered by:

SEN. FREEDMAN, 26th Dist.

REP. MALONE, 47th Dist.

To: Subst. Senate Bill No. 514

File No. 270

Cal. No. 190

**"AN ACT CONCERNING THE FILING OF REGULAR MEETING
AGENDAS UNDER THE FREEDOM OF INFORMATION ACT."**

1 After line 17, add the following:

2 "Sec. 2. Section 4-193 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 Each agency shall:

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

12 [(b)] (2) Take reasonable precautions to protect personal data from

13 the dangers of fire, theft, flood, natural disaster or other physical
14 threats;

15 [(c)] (3) Keep a complete record, concerning each person, of [every]
16 (A) each individual, agency or organization who has obtained access to
17 or to whom disclosure has been made of personal data, and (B) the
18 reason for each such disclosure or access [; and maintain such record]
19 except for personal data disclosed pursuant to section 1-210, as
20 amended. Such record shall be maintained for not less than five years
21 from the date of obtaining such access or disclosure or [maintain such
22 record] for the life of the record, whichever is longer;

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

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

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

31 [(g)] (7) Except as otherwise provided in section 4-194, disclose to a
32 person, upon written request, on a form understandable to such
33 person, all personal data concerning [him] the person which is
34 maintained by the agency. If disclosure of personal data is made under
35 this subsection, the agency shall not disclose any personal data
36 concerning persons other than the requesting person;

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

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

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

42 [(3)] (C) Allow a person who believes that the agency maintains
43 inaccurate or incomplete personal data concerning [him] the person to
44 add a statement to the record setting forth what [he] the person
45 believes to be an accurate or complete version of that personal data.
46 Such a statement shall become a permanent part of the agency's
47 personal data system, and shall be disclosed to any individual, agency
48 or organization to which the disputed personal data is disclosed.

49 Sec. 3. (NEW) (*Effective October 1, 2002*) Each agency, as defined in
50 section 4-190 of the general statutes, except a municipal agency, shall:

51 (1) Develop and provide to each person, as defined in section 4-190
52 of the general statutes, providing personal data, as defined in section
53 4-190 of the general statutes, to the agency a written statement that
54 includes:

55 (A) The legal authority under which the agency is gathering the
56 personal data;

57 (B) The person's rights under chapter 55 of the general statutes
58 related to the personal data;

59 (C) The known consequences to the person resulting from the
60 person supplying or refusing to supply the personal data;

61 (D) The proposed use to be made of the personal data, including,
62 but not limited to, agency specific uses and other reasonably known or
63 expected uses, such as potential publication on a governmental web
64 site on the Internet, sale to a nongovernmental vendor or disclosure to
65 a governmental agency; and

66 (E) The provisions of law that provide for the disclosure of the
67 personal information including, but not limited to, state or federal
68 statutes or regulations related to confidentiality and the disclosure
69 provisions of the Freedom of Information Act, as defined in section 1-
70 200 of the general statutes, as amended;

71 (2) Appoint a privacy compliance officer who shall report to the
72 agency head and be responsible for ensuring the agency is
73 implementing the provisions of this chapter and other relevant
74 provisions of law concerning information privacy;

75 (3) Not later than October first, through the privacy compliance
76 officer, prepare a report for the prior fiscal year on:

77 (A) Specific activities that ensure relevant agency employees are
78 knowledgeable about the various laws concerning the maintenance
79 and disclosure of personal data in the custody of the agency;

80 (B) The current status of agency security concerning automated
81 personal data systems and manual personal data systems, including,
82 but not limited to, use of mechanisms that limit access to such systems;

83 (C) Specific activities that ensure the agency is only maintaining
84 personal data that is relevant and necessary to accomplish the lawful
85 purposes of the agency;

86 (D) Whether an up-to-date list has been maintained of individuals
87 authorized to access each of the agency's personal data systems;

88 (E) The number of requests for personal data made by the person,
89 the outcomes of the requests and the specific reasons for each denial of
90 a request;

91 (F) The number of requests for personal data made by an individual,
92 agency or organization other than the person who is the subject of the
93 personal data, including the outcomes of the requests, and where
94 applicable, the agency's determination of whether disclosure of the
95 personal data was deemed an invasion of personal privacy under
96 subdivision (2) of subsection (b) of section 1-210, as amended;

97 (G) Each governmental agency with which the agency shares
98 personal data, the type of personal data shared, the purpose of the
99 personal data sharing, and whether there is a written agreement
100 between the agencies concerning the sharing of personal data; and

101 (H) A description of any transaction under which personal data was
102 provided in volume to a nongovernmental entity, including a
103 description of the information provided, to whom the information was
104 provided, whether there is a written agreement concerning the
105 transaction, and the total amount of any payments for the transaction;

106 (4) Ensure that the report completed pursuant to subdivision (3) of
107 this section is submitted not later than October first of each year to the
108 General Assembly, in accordance with section 11-4a of the general
109 statutes.

110 Sec. 4. Subsection (e) of section 17a-238 of the general statutes, as
111 amended by section 2 of public act 01-140 and section 130 of public act
112 01-195, is repealed and the following is substituted in lieu thereof
113 (*Effective October 1, 2002*):

114 (e) The Commissioner of Mental Retardation shall ensure that each
115 person placed or treated under the commissioner's direction in any
116 public or private facility is afforded the following rights and privileges:
117 (1) The right to prompt, sufficient and appropriate medical and dental
118 treatment; (2) the right to communicate freely and privately with any
119 person, including, but not limited to, an attorney or other legal
120 representative of the person's choosing; (3) the right to reasonable
121 access to a telephone, both to make and receive calls in private, unless
122 such access is used in violation of any federal or state statute; (4) the
123 right to send and receive unopened mail and to make reasonable
124 requests for assistance in the preparation of correspondence; (5) the
125 safety of each person's personal effects shall be assured including the
126 provision of reasonably accessible individual storage space; (6) the
127 right to be free from unnecessary or excessive physical restraint; (7) the
128 right to voice grievances without interference; (8) the right to a
129 nourishing and well-balanced diet; (9) the right to be employed
130 outside a facility and to receive assistance in his or her efforts to secure
131 suitable employment. The department shall encourage the
132 employment of such persons and shall promote the training of such
133 persons for gainful employment, and all benefits of such employment

134 shall accrue solely to the person employed; (10) the right to have the
135 complete record maintained by the Department of Mental Retardation
136 concerning such person released for review, inspection and copying to
137 such person's attorney or other legal representative notwithstanding
138 any provisions of [subsection (g)] subdivision (7) of section 4-193, as
139 amended by this act, or section 4-194; and (11) the right to receive or
140 purchase his or her own clothing and personal effects, including toilet
141 articles, and the right to wear such clothing and use such personal
142 effects except where determined to be dangerous to the health or safety
143 of the individual or others."