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Raised Bill 5400
Public Hearing: 3-2-16

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 2, 2016

RE: **OPPOSITION TO THE IMMUNITY IN SECTION 2(i) of HB5400, AAC THE
DISCLOSURE OF CERTAIN EDUCATION PERSONNEL RECORDS**

CTLA, while neutral or supportive on the substantive parts of this bill, opposes subsection (i) of Section 2 (lines 296-299) of this bill because it creates immunity from civil liability for certain employers.

The two sections of this legislation that employers would be granted immunity for are very sensitive, and if not done negligently have the potential to cause harm. Employers dealing in such sensitive information should be held to the highest standards in its safeguarding and transfer, and not be protected if their negligence leads to harm to employees, other employers or the students the bill hopes to protect.

The caveat in the immunity provision that the employer not "knowingly supply false information" if true, would bar any cause for damages without the immunity provision. There are numerous scenarios where an employer, through neglect or willful and wanton conduct could not know the information they are supplying is false, but still cause great damage to an employee or another employer through that negligence. The immunity in this bill could cause a disincentive for the employers to diligently fulfill the purposes of this bill, since the less they know about the truth or false nature of the information the more immunity they have!

We respectfully request this bill be passed without the immunity found in subsection (i) of section 2 of this bill.

WE URGE YOU TO OPPOSE SUBSECTION (i) of SECTION 2 of HB5400. Thank you.