



General Assembly

February Session, 2016

Raised Bill No. 5346

LCO No. 695



Referred to Committee on PROGRAM REVIEW AND INVESTIGATIONS

Introduced by:
(PRI)

AN ACT CONCERNING STATE AGENCY CONFIDENTIALITY BASED ON A PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY.

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

1 Section 1. Section 19a-25 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For purposes of this section: (1) "Confidential information" has
4 the same meaning as provided in section 4e-70; and (2) "confidential
5 information breach" means an instance where an unauthorized person
6 or entity accesses confidential information in any manner, including,
7 but not limited to, the following occurrences: (A) Any confidential
8 information that is not encrypted or secured by any other method or
9 technology that renders the confidential information unreadable or
10 unusable is misplaced, lost, stolen or subject to unauthorized access;
11 (B) one or more third parties have accessed, or taken control or
12 possession of, without prior written authorization from the state, (i)
13 any confidential information that is not encrypted or protected, or (ii)

14 any encrypted or protected confidential information together with the
15 confidential process or key that is capable of compromising the
16 integrity of the confidential information; or (C) there is a substantial
17 risk of identity theft or fraud.

18 (b) All information, records of interviews, written reports,
19 statements, notes, memoranda or other data, [including] that includes
20 personal data, [as defined in subdivision (9) of section 4-190,] procured
21 by the Department of Public Health or by staff committees of facilities
22 accredited by the Department of Public Health in connection with
23 studies of morbidity and mortality conducted by the Department of
24 Public Health or such staff committees, or carried on by said
25 department or such staff committees jointly with other persons,
26 agencies or organizations, or procured by the directors of health of
27 towns, cities or boroughs or the Department of Public Health pursuant
28 to section 19a-215, or procured by such other persons, agencies or
29 organizations, for the purpose of reducing the morbidity or mortality
30 from any cause or condition, shall be confidential information and
31 shall be used solely for the purposes of medical or scientific research
32 and, for information obtained pursuant to section 19a-215, disease
33 prevention and control by the local director of health and the
34 Department of Public Health. Such information, records, reports,
35 statements, notes, memoranda or other data shall not be admissible as
36 evidence in any action of any kind in any court or before any other
37 tribunal, board, agency or person, nor shall it be exhibited or its
38 contents disclosed in any way, in whole or in part, by any officer or
39 representative of the Department of Public Health or of any such
40 facility, by any person participating in such a research project or by
41 any other person, except as may be necessary for the purpose of
42 furthering the research project to which it relates. Notwithstanding the
43 provisions of chapter 55, the Department of Public Health may
44 exchange personal data for the purpose of medical or scientific
45 research, with any other governmental agency or private research
46 organization; provided such state, governmental agency or private

47 research organization shall not further disclose such personal data.

48 (c) The Commissioner of Public Health shall adopt regulations
49 consistent with the purposes of subsection (b) of this section to
50 establish the procedures to ensure the confidentiality of such
51 disclosures. The furnishing of such information to the Department of
52 Public Health or its authorized representative, or to any other agency
53 cooperating in such a research project, shall not subject any person,
54 hospital, sanitarium, rest home, nursing home or other person or
55 agency furnishing such information to any action for damages or other
56 relief because of such disclosure. [This] The provisions of this
57 subsection and subsection (b) of this section shall not be deemed to
58 affect disclosure of regular hospital and medical records made in the
59 course of the regular notation of the care and treatment of any patient,
60 but only records or notations by such staff committees pursuant to
61 their work.

62 (d) Not later than October 1, 2016, the Commissioner of Public
63 Health shall develop and implement the use of a confidentiality pledge
64 for employees of the Department of Public Health concerning the use
65 and disclosure of confidential information. The confidentiality pledge
66 shall notify each employee of his or her responsibilities concerning the
67 use and disclosure of confidential information and potential
68 consequences for the misuse of such information or data under
69 applicable statutes, regulations and department policies. The
70 commissioner shall ensure that each employee of the department
71 receives and signs the confidentiality pledge on or before January 1,
72 2017, or, if hired after said date, on the first day of such employee's
73 employment with the department. The commissioner shall review and
74 revise the confidentiality pledge as the commissioner deems necessary.
75 Each employee of the department shall receive and sign any revised
76 confidentiality pledge not later than fifteen days after the date of such
77 revision.

78 (e) Not later than December 1, 2016, the Commissioner of Public

79 Health, in consultation with the Secretary of the Office of Policy and
80 Management, shall develop and implement internal policies to protect
81 confidential information obtained or generated by the department
82 from a confidential information breach. Such policies shall include, but
83 need not be limited to, processes to: (1) Identify computer system
84 vulnerabilities to a confidential data breach and eliminate or reduce
85 such vulnerabilities; (2) identify the occurrence of any confidential
86 information breach; (3) classify the severity of a confidential
87 information breach; (4) limit or contain the disclosure of confidential
88 information in the event of a confidential information breach; (5)
89 document each incident of a confidential information breach; and (6)
90 notify affected parties in the event of a confidential information breach.
91 Not later than December 31, 2016, the Commissioner of Public Health
92 shall submit a copy of such policies to the joint standing committee of
93 the General Assembly having cognizance of matters relating to public
94 health.

95 Sec. 2. (NEW) (*Effective from passage*) (a) For purposes of this section:
96 (1) "Confidential information" has the same meaning as provided in
97 section 4e-70 of the general statutes; and (2) "confidential information
98 breach" means an instance where an unauthorized person or entity
99 accesses confidential information in any manner, including, but not
100 limited to, the following occurrences: (A) Any confidential information
101 that is not encrypted or secured by any other method or technology
102 that renders the confidential information unreadable or unusable is
103 misplaced, lost, stolen or subject to unauthorized access; (B) one or
104 more third parties have accessed, or taken control or possession of,
105 without prior written authorization from the state, (i) any confidential
106 information that is not encrypted or protected, or (ii) any encrypted or
107 protected confidential information together with the confidential
108 process or key that is capable of compromising the integrity of the
109 confidential information; or (C) there is a substantial risk of identity
110 theft or fraud.

111 (b) Not later than October 1, 2016, the Commissioner of Consumer

112 Protection shall develop and implement the use of a confidentiality
113 pledge for employees of the Department of Consumer Protection
114 concerning the use and disclosure of confidential information. The
115 confidentiality pledge shall notify each employee of his or her
116 responsibilities concerning the use and disclosure of confidential
117 information and potential consequences for the misuse of such
118 information or data under applicable statutes, regulations and
119 department policies. The commissioner shall ensure that each
120 employee of the department receives and signs the confidentiality
121 pledge on or before January 1, 2017, or, if hired after said date, on the
122 first day of such employee's employment with the department. The
123 commissioner shall review and revise the confidentiality pledge as the
124 commissioner deems necessary. Each employee of the department
125 shall receive and sign any revised confidentiality pledge not later than
126 fifteen days after the date of such revision.

127 (c) Not later than December 1, 2016, the Commissioner of Consumer
128 Protection, in consultation with the Secretary of the Office of Policy
129 and Management, shall develop and implement internal policies to
130 protect confidential information obtained or generated by the
131 department from a confidential information breach. Such policies shall
132 include, but need not be limited to, processes to: (1) Identify computer
133 system vulnerabilities to a confidential data breach and eliminate or
134 reduce such vulnerabilities; (2) identify the occurrence of any
135 confidential information breach; (3) classify the severity of a
136 confidential information breach; (4) limit or contain the disclosure of
137 confidential information in the event of a confidential information
138 breach; (5) document each incident of a confidential information
139 breach; and (6) notify affected parties in the event of a confidential
140 information breach. Not later than December 31, 2016, the
141 Commissioner of Consumer Protection shall submit a copy of such
142 policies to the joint standing committee of the General Assembly
143 having cognizance of matters relating to general law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-25
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To implement the recommendations of the Program Review and Investigations Committee concerning the protection of confidential information.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]