



**PA 19-80—sSB 1110**

*Judiciary Committee*

**AN ACT CONCERNING ACCESS TO MEDICAL RECORDS IN THE  
POSSESSION OF THE COMMISSIONER OF CORRECTION**

**SUMMARY:** This act allows an inmate, his or her legal representative, or the legal representative of an inmate's estate, who makes a written request for documents to the Department of Correction (DOC) to receive such documents under certain circumstances. The act applies to requests for documents in DOC's possession that relate to injuries an inmate suffers while incarcerated that result in his or her death or permanent disability.

The act requires the department to ensure that the documents are provided within 60 days after receiving the written request unless the disclosure (1) could pose a safety and security risk, (2) violates a common law privilege (i.e., one derived from custom and judicial precedent rather than statutes), or (3) is prohibited by state or federal law. Existing law exempts certain DOC documents from disclosure under the Freedom of Information Act (FOIA) if the commissioner has reasonable grounds to believe that disclosure may result in a safety risk (CGS §§ 1-210(b)(18) & 1-210(c)) (see BACKGROUND).

Under the act, if an inmate dies or becomes incapacitated due to an injury suffered while incarcerated, the department must notify the inmate's designated next of kin of the death or incapacitation unless doing so is inconsistent with the inmate's prior expressed preference communicated to the department. The act also requires DOC to:

1. post on its website, and in all of its medical units, notice informing inmates that they are required to sign a release if they wish to give their family or emergency contacts access to their medical information;
2. develop a frequently asked questions (FAQ) document that details the steps for investigating an inmate fatality or permanent injury and includes all relevant forms and contact information; and
3. post the release form and FAQ document on its website and make them available, upon request, in all of the department's medical units.

The department must adopt implementing regulations for the act's document disclosure and next of kin notification requirements, which must include (1) a dispute resolution process concerning DOC's production of documents under the act; (2) the circumstances under which the deadline for document production may be extended beyond 60 days; and (3) the fees, if any, that DOC may impose when complying with a request for documents. (By law, FOIA sets fee parameters (CGS § 1-212.)

EFFECTIVE DATE: October 1, 2019

**BACKGROUND**

## OLR PUBLIC ACT SUMMARY

### *Disclosure Under FOIA*

Existing law provides that FOIA must not be construed to require disclosure of, among other things, records that the DOC commissioner has reasonable grounds to believe may result in a safety risk if disclosed, such as security and training manuals, internal security audits, staff meeting minutes or recordings, documents with information on inmates or staff movements or assignments, and records with information on contacts between inmates and law enforcement officers (CGS § 1-210(b)(18)).

### *Disclosure Request*

By law, when a public agency receives a FOIA request from anyone confined in a correctional institution or facility for disclosure of a public record, the agency must promptly notify the DOC commissioner of the request before complying with the request as required by FOIA. Under the law, if the commissioner believes the requested record is exempt from disclosure as described above, the commissioner may withhold it (CGS § 1-210(c)).