OFFICE OF LEGISLATIVE RESEARCH
Objective Research for Connecticut's Legislature
ResearchReport

Connecticut Laws on Artificial Intelligence, Data Privacy, and Technology Implementation

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September 10, 2026 | 2026-R-0146

Issue

Briefly describe (1) the laws on state government's use of artificial intelligence (AI), (2) how data privacy requirements apply to the state, and (3) how the state government implements technology.

Summary

Connecticut law requires the executive and judicial branches to annually inventory all their systems that employ AI. It also (1) required the executive and judicial branches to set policies and procedures on developing, procuring, using, and assessing systems that use AI, and (2) requires them to conduct an impact assessment before implementing any AI system (CGS §§ 4-68jj, 4a-2e as amended by PA 26-15, § 37, & 51-10e). The law also requires the state's chief data officer, by January 1, 2028, to review the inventory of all high value data these agencies have or collect.

PA 26-15, § 38, generally prohibits state agencies from using AI to perform certain functions, or procuring or acquiring an AI system, without complying with Office of Policy and Management (OPM) and Department of Administrative Services (DAS) standards. It also requires agencies to complete an AI impact assessment for authorized acquisitions.

Connecticut's Personal Data Act regulates how most state agencies handle, store, and disclose the personal data of individuals (CGS § 4-190 et seq.). Among other things, the act requires agencies to (1) inform relevant staff on state and federal personal data disclosure laws; (2) take reasonable precautions to protect personal data from certain physical threats; (3) maintain only relevant

personal information needed to accomplish the agency's lawful purpose; and (4) inform individuals, upon their written request, whether the agency has their personal data (CGS § 4-193). Agencies must also establish certain procedures to allow a person to contest and correct the accuracy, completeness, or relevancy of his or her personal data. Another law generally prohibits a public agency from disclosing a person's nonpublic address, work, school, or agency appointment information (CGS § 4-67ee). (It should also be noted that Connecticut's Data Privacy Act (CTDPA) specifically exempts the state from its provisions (CGS § 42-517 as amended by PA 26-76, § 72).)

In regards to new technologies, existing law requires DAS to, among other things, identify and implement optimal information and telecommunication (IT) systems to serve state agency needs (CGS § 4d-2). DAS must develop, publish, and annually update a statewide IT strategic plan, according to policies OPM establishes (CGS §§ 4d-7 & -8a). The plan must address things such as providing necessary access to higher technology for state agencies. The DAS commissioner cannot implement an agency proposal for IT hardware or software unless it complies with the strategic plan, among other things. The law also establishes the technical services revolving fund for DAS to purchase, install, and use IT systems for state agencies (CGS § 4d-9 as amended by PA 26-109, § 8).

Annual Inventory of State Agency AI Systems

Connecticut law requires DAS to annually inventory all executive branch state agency systems that use AI (CGS § 4a-2e as amended by PA 26-15, § 37). Under this law, a state agency is any executive branch department, board, council, commission, or institution, including the offices of the governor, lieutenant governor, state treasurer, attorney general, secretary of the state, and state comptroller and all operations of an executive branch agency that are funded by the General Fund or a special fund (CGS § 4d-1). A separate law also requires the judicial branch to do an annual inventory of systems it uses (CGS § 51-10e).

The inventories must include at least the following information for each system:

1. the name of the system and its vendor, if any;
2. a description of the system's general capabilities and uses; and
3. whether the system (a) was used to independently make, inform, or materially support a conclusion, decision, or judgment and (b) underwent an impact assessment before its implementation.

Existing law requires (1) DAS to make these inventories publicly available through the state's open data portal and (2) the judicial branch to make them available on its website.

Additionally, PA 26-15, § 37, expanded the required information DAS must include, starting with the inventory due at the end of 2026, to the extent practicable based on available data:

1. the date of the last impact assessment;
2. whether the system has access to personally identifiable information of people in the state; and
3. the system's known risks toward individuals in the state, communities, and state employees.

The act also requires DAS to establish definitions, reporting standards, and submission formats for state agencies to use for their submissions.

High Value Data Inventory Analysis

Effective July 1, 2027, PA 26-15, § 36, requires the state's chief data officer, by January 1, 2028, to review the inventory of all high value data these agencies have or collect. He must do this in consultation with executive branch agency data officers.

"High value data" is any data the respective department head determines:

1. can increase an agency's accountability and responsiveness, improve public knowledge about an agency and its operations, further its core mission, or create economic opportunity;
2. is critical to the agency's operation or used to satisfy any legislative or other reporting requirements; or
3. is frequently requested by the public or responds to a need and demand identified through public consultation (CGS § 4-67o).

The chief data officer must identify and publish any of this data that could be useful for AI systems, machine learning, and other statistical means of data analysis. He must do so to create economic opportunity and support state economic development goals, through private businesses, nonprofit organizations, and other entities that will use the data, consistent with applicable laws and regulations.

In reviewing the data, the chief data officer and agency data officers must:

1. identify appropriate data to make available for use by AI systems, machine learning, and other statistical means of data analysis;
2. develop policies and procedures for data quality and governance to ensure data are appropriate for the intended purpose and do not lead to any unlawful discrimination against

any person or group of people, or disparate impact on any individual or group, based on any actual or perceived differentiating characteristic (such as age, race, or disability);

3. determine any aggregation, redaction of individually identifiable information, or other techniques needed to ensure and preserve privacy and to satisfy all applicable state or federal laws and regulations for publicly disclosing data; and

4. determine the procedures for agencies to publish their data on the online repository that OPM operates and maintains under existing law.

AI Policies and Procedures

Existing law required OPM to develop and establish policies and procedures on the development, procurement, implementation, utilization, and ongoing assessment of systems that employ AI that state executive branch agencies use (CGS §§ 4a-2e as amended by PA 26-15, § 37 & -68jj). It separately required the judicial branch to do the same with respect to its systems that employ AI (CGS § 51-10e).

At a minimum, OPM's and the judicial branch's policies and procedures were required to include provisions that:

1. govern the procurement, implementation, and ongoing assessment of the systems;

2. are sufficient to ensure that no system (a) results in any unlawful discrimination against any person or group of people, or (b) has any unlawful disparate impact on any individual or group of individuals based on any actual or perceived differentiating characteristic, including age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability, or lawful source of income;

3. require a state agency or the branch to assess a system's likely impact before implementing it; and

4. provide for DAS or the branch to do ongoing assessments of the systems to ensure no system results in any unlawful discrimination or disparate impact described above.

The law allows OPM or the branch to revise the policies and procedures if the OPM secretary or chief court administrator determines a revision is needed. OPM and the branch must post their policies and procedures, and any revisions, on their respective websites.

It also prohibits state agencies and the judicial branch from implementing any system that employs AI:

1. unless the agency or branch completed an impact assessment following the policies and procedures to ensure the system will not result in any unlawful discrimination or disparate impact; or

2. if the agency head or the chief court administrator, as applicable, determines that the system will result in any unlawful discrimination or disparate impact.

State Agency Use of AI

PA 26-15, § 38, beginning October 1, 2026, prohibits any state agency, or any entity acting on its behalf, from directly or indirectly using or applying an AI technology to perform a function that (1) is related to the agency delivering a public assistance benefit to people in the state or (2) will have a material impact on the rights, civil liberties, safety, or welfare of people in the state, unless the use or application is in compliance with policies and standards established by OPM and DAS.

It also prohibits state agencies from authorizing any procurement, purchase, or acquisition, of any AI technology, unless its use complies with the OPM and DAS standard. Under the act, if the acquisition is authorized, the agency must complete an AI impact assessment that complies with policies and standards OPM and DAS establish. The AI impact assessment must be (1) submitted to the DAS commissioner, in a form and way she sets, and (2) posted on the DAS website at least 60 days before the AI technology is deployed. The agency may redact any data in the impact assessment to remove anyone's personally identifiable information.

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