

# HOUSE . . . . . No. 142

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act relative to the disclosure of information held by the disabled persons protection commission pursuant to general laws chapter 19C..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. CHAPTER 19C OF THE GENERAL LAWS, AS APPEARING IN THE  
2   2004 OFFICIAL EDITION, IS HEREBY AMENDED BY ADDING AFTER SECTION 3 THE  
3   FOLLOWING SECTION:

4           §3A. DISCLOSURE OF RECORDS

5           A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL RECORDS  
6   CONTAINING PERSONAL DATA WHICH ARE CREATED, COLLECTED, USED,  
7   MAINTAINED OR DISSEMINATED PURSUANT TO THIS CHAPTER SHALL NOT BE  
8   PUBLIC RECORDS, AND SHALL BE GOVERNED BY THE PROVISIONS OF CHAPTER  
9   SIXTY-SIX A, THE NOTICE PROVISIONS OF SECTION SIXTY-THREE OF CHAPTER  
10   THIRTY AND THE ENFORCEMENT PROVISIONS OF SECTION THREE B OF CHAPTER  
11   TWO HUNDRED AND FOURTEEN.

12          B) ANY EMPLOYEE OF THE COMMISSION OR A DESIGNATED AGENCY WHO  
13   VIOLATES THE PROVISIONS OF CHAPTER SIXTY-SIX A, AS MODIFIED BY THIS

SECTION, WITH RESPECT TO RECORDS CREATED OR MAINTAINED UNDER THIS  
CHAPTER SHALL BE PUNISHED BY A FINE

OF NOT MORE THAN FIVE HUNDRED DOLLARS, OR IF HARM SHALL HAVE  
RESULTED TO ANY ONE WHOSE PRIVACY WAS SOUGHT TO BE PROTECTED BY  
THE PROVISION VIOLATED, BY A FINE OF NOT MORE THAN ONE THOUSAND  
DOLLARS, AND IF SUCH EMPLOYEE IS EMPLOYED

BY THE COMMONWEALTH, HE SHALL ALSO BE SUBJECT TO  
ADMINISTRATIVE DISCIPLINARY ACTION PURSUANT TO REGULATIONS  
ADOPTED BY THE COMMISSION UNDER SECTION THREE OF THIS CHAPTER.

C) NO PROVISION OF CHAPTER SIXTY-SIX A, SECTION ONE HUNDRED AND  
THIRTY-FIVE OF CHAPTER ONE HUNDRED AND TWELVE OR THIS SECTION  
RELATING TO CONFIDENTIAL DATA OR CONFIDENTIAL COMMUNICATIONS  
SHALL PROHIBIT THE COMMISSION FROM MAKING REPORTS TO A DISTRICT  
ATTORNEY, THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A  
DESIGNATED AGENCY PURSUANT TO THE PROVISIONS OF THIS CHAPTER. NO  
PERSON PROVIDING NOTIFICATION OR INFORMATION TO A DISTRICT ATTORNEY,  
THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A DESIGNATED  
AGENCY OR TESTIMONY IN ANY JUDICIAL OR NON-JUDICIAL PROCEEDING  
PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE LIABLE IN ANY  
CIVIL OR CRIMINAL ACTION BY REASON OF SUCH ACTION.

34           D) NOTHING HEREIN SHALL BE CONSTRUED TO LIMIT THE  
35   PROSECUTORIAL POWER OF A DISTRICT ATTORNEY, THE ATTORNEY GENERAL  
36   OR THE UNITED STATES ATTORNEY.