HOUSE DOCKET, NO. 1769 FILED ON: 1/17/2013

HOUSE . . . . . No. 104

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Danielle W. Gregoire	*4th Middlesex*
Kay Khan	*11th Middlesex*

HOUSE DOCKET, NO. 1769 FILED ON: 1/17/2013

HOUSE . . . . . No. 104

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 104) of Danielle W. Gregoire and Kay Khan relative to the disclosure of certain information by the Disabled Persons Protection Commission. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *142* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

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

§3A. DISCLOSURE OF RECORDS

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

B) ANY EMPLOYEE OF THE COMMISSION OR A DESIGNATED AGENCY WHO 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

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

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

23 C) NO PROVISION OF CHAPTER SIXTY-SIX A, SECTION ONE HUNDRED AND
24 THIRTY-FIVE OF CHAPTER ONE HUNDRED AND TWELVE OR THIS SECTION
25 RELATING TO CONFIDENTIAL DATA OR CONFIDENTIAL COMMUNICATIONS
26 SHALL PROHIBIT THE COMMISSION FROM MAKING REPORTS TO A DISTRICT
27 ATTORNEY, THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A
28 DESIGNATED AGENCY PURSUANT TO THE PROVISIONS OF THIS CHAPTER. NO
29 PERSON PROVIDING NOTIFICATION OR INFORMATION TO A DISTRICT ATTORNEY,
30 THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A DESIGNATED
31 AGENCY OR TESTIMONY IN ANY JUDICIAL OR NON-JUDICIAL PROCEEDING
32 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE LIABLE IN ANY
33 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.