HOUSE DOCKET, NO. 826 FILED ON: 1/19/2011

HOUSE . . . . . No. 57

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
John P. Fresolo	*16th Worcester*
James B. Eldridge	☐ *[District]* ☐
George T. Ross	*2nd Bristol*

HOUSE DOCKET, NO. 826 FILED ON: 1/19/2011

HOUSE . . . . . No. 57

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 57) of Kay Khan and others 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

An Act relative to the disclosure of information held by the Disabled Persons Protection Commission .

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 2008 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 containg 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 66A, the notice provisions of section 63 of chapter 30 and the enforcement provisions of section 3B of chapter 214.

B) Any employee of the commission or a designated agency who violates the provisions of chapter 66A, 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 $500, 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 $1,000, 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 3 of this chapter.

15 C) No provision of chapter 66A, section 135 of chapter 112 or this section relating to
16 confidential data or confidential communications shall prohibit the commission from making
17 reports to a district attorney, the attorney general, the United States attorney or a designated
18 agency pursuant to the provisions of this chapter. No person providing notification or
19 information to a district attorney, the attorney general, the United States attorney or a designated
20 agency or testimony in any judicial or non-judicial proceeding pursuant to the provisions of this
21 section shall be liable in any civil or criminal action by reason of such action.

22 D) Nothing herein shall be construed to limit the prosecutorial power of a district
23 attorney, the attorney general or the United States attorney.