

HOUSE No. 937

By Mr. Eldridge of Acton, petition of James B. Eldridge and others relative to the disclosure of certain information by the Disabled Persons Protection Commission. Financial Services.

The Commonwealth of Massachusetts

PETITION OF:

James B. Eldridge Anne M. Gobi
Barbara A. L'Italien Bradley H. Jones, Jr.
Richard R. Tisei Christopher G. Fallon
Robert F. Fennell Michael R. Knapik

In the Year Two Thousand and Seven.

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 Chapter 19c of the General Laws, as appearing in the 2004 offi-
2 cial 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 con-
6 taining personal data which are created, collected, used, maintained
7 or disseminated pursuant to this chapter shall not be public records,
8 and shall be governed by the provisions of chapter sixty-six a, the
9 notice provisions of section sixty-three of chapter thirty and the
10 enforcement provisions of section three b of chapter two hundred
11 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
14 section, with respect to records created or maintained under this
15 chapter shall be punished by a fine of not more than five hundred
16 dollars, or if harm shall have resulted to any one whose privacy was
17 sought to be protected by the provision violated, by a fine of not
18 more than one thousand dollars, and if such employee is employed

19 by the Commonwealth, he shall also be subject to administrative dis-
20 ciplinary action pursuant to regulations adopted by the commission
21 under section three of this chapter.

22 C) No provision of chapter sixty-six a, section one hundred and
23 thirty-five of chapter one hundred and twelve or this section relating
24 to confidential data or confidential communications shall prohibit
25 the commission from making reports to a district attorney, the
26 attorney general, the United States attorney or a designated agency
27 pursuant to the provisions of this chapter. No person providing noti-
28 fication or information to a district attorney, the attorney general, the
29 United States attorney or a designated agency or testimony in any
30 judicial or non-judicial proceeding pursuant to the provisions of this
31 section shall be liable in any civil or criminal action by reason of
32 such action.

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