

111 CMR: MASSACHUSETTS COMMISSION FOR THE BLIND

111 CMR 8.00: PUBLIC SAFETY

Section

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8.01: Purpose

The purpose of 111 CMR 8.00 is to delineate a clear and orderly system operated by the Massachusetts Commission for the Blind for purposes of facilitating the protection of public safety by the Registry of Motor Vehicles while protecting the confidentiality of blind registrants to the maximum extent feasible.

8.02: Definitions

Commissioner. The Commissioner of the Massachusetts Commission for the Blind.

Legal Blindness. A condition associated with a finding by a physician or optometrist that a person has a visual acuity of 20/200 or less with correction in the better eye, or has a peripheral visual field of ten degrees radius or less regardless of visual acuity.

MCB. Massachusetts Commission for the Blind.

Personal Data. Any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual; provided, however, that such information is not contained in a public record as defined at M.G.L. c. 4, § 7, cl. 26, and does not constitute intelligence, evaluative or criminal offender record information as defined at M.G.L. c. 6, § 167.

Personal Data System. A system of records containing personal data, which system is organized such that the data are retrievable by use of the identity of the data subject.

PSRI. Public safety related information.

Public Safety Related Information. The minimal personal data which the Commissioner deems necessary to fulfill the purposes of 111 CMR 8.00 to the extent such data identifies persons seeking or holding a drivers license from the Registry of Motor Vehicles.

Register. The list of legally blind persons held by the Commission for the Blind pursuant to M.G.L. c. 6, §§ 135 and 136.

Registrant. An individual identified in the Register.

RMV. Registry of Motor Vehicles.

8.03: Procedure

(1) On a regular basis as delineated in guidelines promulgated by the Commissioner, and/or anytime the Commissioner receives information giving rise to a reasonable belief that a particular public safety danger may exist, the Registry of Motor Vehicles (RMV) Registrar or his designee shall deliver PSRI to the Massachusetts Commission for the Blind Commissioner or his designee.

(2) Subsequent to receipt of such information, the MCB Commissioner or his duly authorized designee shall compare identifying information from its register with the PSRI.

8.03: continued

- (3) In the event that the same individual appears to be listed with both the MCB register and the RMV databank, the MCB Commissioner or his duly authorized designee shall inform the individual in question and the RMV. The Commission shall offer the individual an opportunity to be heard on the matter as described at 111 CMR 8.03(4). If the individual provides a current eye report to MCB showing to the Commission's satisfaction that he or she is not legally blind, then MCB shall immediately correct its records and so notify the RMV. Upon receiving notice of the individual's dual listing, the RMV Registrar or his duly authorized designee may take whatever duly authorized steps he deems necessary to protect public safety.
- (4) The Commissioner or his designee shall establish procedures that:
- (a) allow each registrant or his duly authorized representative to object to the accuracy, completeness, pertinence, timeliness, relevance or disclosure of personal data or the denial of access to such data maintained in the personal data system; and
 - (b) 1. permit personal data to be corrected or amended when the registrant or his duly authorized representative so requests and there is no disagreement concerning the change to be made or,
2. when there is disagreement, assure that the registrant's claim is noted and included as part of his personal data and included in any subsequent disclosure of the disputed data.
- (5) Under no circumstances shall the Commission disclose information from its register except as described in 111 CMR 8.00 or otherwise permitted by law.

8.04: Protection of Confidentiality

- (1) The Commissioner shall identify one individual immediately responsible for the personal data system who shall insure that the requirements of 111 CMR 8.00 are followed.
- (2) The Commissioner or his designee shall:
- (a) inform each MCB employee having responsibility or function in the design, development, operation, or maintenance of the public safety related information (PSRI) system, or the use of any personal data contained therein, of each safeguard required by 111 CMR 8.00 and related rights and remedies, including relevant safeguards required by RMV;
 - (b) transmit personal data from the register to the RMV solely as indicated in 111 CMR 8.00;
 - (c) in the case of data held in automated personal data systems, and to the extent feasible with data held in manual personal data systems, maintain a complete and accurate record of every transmission to identified RMV designees;
 - (d) to the extent such records are maintained pursuant to 111 CMR 8.04(2)(c), make available to a registrant upon his request the identity of all PSRI holders to whom the registrant's personal data has been delivered;
 - (e) upon an MCB registrant's written request, indicate in writing whether personal data has been transmitted to the RMV pursuant to 111 CMR 8.00, and if so, make such data fully available to him or his authorized representative, unless doing so is prohibited by 111 CMR 8.00 or by any other regulation or statute;
 - (f) remove personal identifiers relating to a third person when making any disclosure of information to a registrant pursuant to 111 CMR 8.00, except where such third person is an officer or employee of government acting as such.

REGULATORY AUTHORITY

111 CMR 8.00: M.G.L c. 6, §§ 131J, 135, 149; c. 66A and 111 CMR 8.01(4)(b).