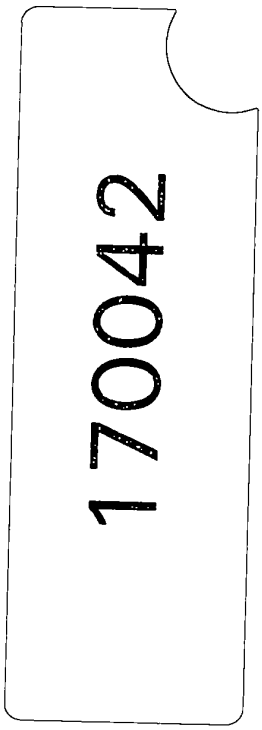

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PART I. ERASURE

§ 54-142a. Erasure of criminal records

(a) Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken.

(b) Whenever in any criminal case prior to October 1, 1969, the accused, by a final judgment, was found not guilty of the charge or the charge was dismissed, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased by operation of law and the clerk or any person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased; provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition for erasure with the court granting such not guilty judgment or dismissal, or, where the matter had been before a municipal court, a trial justice, the circuit court or the court of common pleas with the records center of the judicial department and thereupon all police and court records and records of the state's attorney, prosecuting attorney or prosecuting grand juror pertaining to such charge shall be erased.

(c) Whenever any charge in a criminal case has been nolled in the superior court, or in the court of common pleas, if at least thirteen months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased. However, in cases of nolles entered in the superior court, court of common pleas, circuit court, municipal court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court or to the records center of the judicial department, as the case may be, to have such records erased, in which case such records shall be erased. Whenever any charge in a criminal case has been continued at the request of the prosecuting attorney, and a period of thirteen months has elapsed since the granting of such continuance during which period there has been no prosecution or other disposition of the matter, the charge shall be construed to have been nolled as of the date of termination of such thirteen-month period and such erasure may thereafter be effected or a petition filed therefor, as the case may be, as provided in this subsection for nolled cases.

(d) Whenever prior to October 1, 1974, any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition with the superior court at the location in which such conviction was effected, or with the superior court at the location having custody of the records of such conviction or with the records center of the judicial department if such conviction was in the court of common pleas, circuit court, municipal court or by a trial justice court, for an order of erasure, and the superior court or records center of the judicial department shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased. Whenever such absolute pardon was received on or after October 1, 1974, such records shall be erased.

(e) The clerk of the court or any person charged with retention and control of such records in the records center of the judicial department or any law enforcement agency having information contained in such erased records shall not disclose to anyone information pertaining to any charge erased under any provision of this section and such clerk or person charged with the retention and control of such records shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk or such person, as the case may be, shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records. No fee shall be charged in any court with respect to any petition under this section. Any person who shall have been the subject of such an erasure shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

(f) Upon motion properly brought, the court or a judge thereof, if such court is not in session, (1) may order disclosure of such records upon application of the accused, (2) may order disclosure to a defendant or the accused in an action for false arrest arising out of the proceedings so erased or (3) may order disclosure to the prosecuting attorney and defense counsel in connection with any perjury charges which the prosecutor alleges may have arisen from the testimony elicited during the trial. The court may also order such records disclosed to any hospital or institution to which an accused is confined under the provisions of section 53a–47. Such disclosure of such records is subject also to any records destruction program pursuant to which the records may have been destroyed. The jury charge in connection with erased offenses may be ordered by the judge for use by the judiciary, provided the names of the accused and the witnesses are omitted therefrom.

(g) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any count of any information or indictment which was nolled or dismissed if the accused was convicted upon one or more counts of the same information or indictment.

9. Civil discovery

In civil litigation arising out of motor vehicle accident, for which the defendant had been arrested and charged with certain criminal and motor vehicle offenses, which charges were subsequently dismissed, discovery in the civil litigation of questions directed to police officers and others on the subject of the evidence police officers collected at the scene of the accident was not barred by Connecticut criminal record erasure statute; however, no questions could be asked of police officers and others regarding any aspect of the investigation and prosecution which took place after the defendant in the criminal case was arrested and charged. Penfield v. Venuti (D.C.1981) 93 F.R.D. 364.

Discovery in civil litigation of physical evidence obtained at scene of motor vehicle accident, which otherwise would have been obtainable by private parties in the absence of criminal prosecution, was not barred by Connecticut criminal record erasure statute, notwithstanding fact that defendant in the civil litigation had been arrested and charged with certain criminal and motor vehicle offenses stemming from the accident, which charges were subsequently dismissed. Id.

Connecticut criminal record erasure statute, which provides that once a criminal prosecution has been dismissed "all police and court records and records of any state's attorney pertaining to such charge shall be immediately and automatically erased," does not prevent civil discovery of records compiled or materials collected routinely by police officers about a motor vehicle accident which formed part of an unsuccessful criminal prosecution. Id.

§ 54–142b. Erasure of record of girl found guilty of being in manifest danger

Any person who has been found guilty under section 17–379 or any statute predecessor thereto, if she has been convicted of no other offense prior to her twenty-first birthday, may file a petition with the court by which she was found guilty, or, if such finding was by a trial justice or municipal court or the circuit court, to the office of the chief court administrator for an order of erasure, and such court shall thereupon order all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased.

(1968 Rev., § 54–90a; 1971, P.A. 192; 1974, P.A. 74–183, § 153, eff. Dec. 31, 1974; 1975, P.A. 75–567, § 23, eff. June 30, 1975; 1976, P.A. 76–336, § 12; 1976, P.A. 76–436, §§ 10a, 552, eff. July 1, 1978; 1977, P.A. 77–452, § 43, eff. July 1, 1978.)

§ 54–142c. Disclosure of erased records

(a) The clerk of the court or any person charged with retention and control of erased records by the chief court administrator or any criminal justice agency having information contained in such erased records shall not disclose to anyone the existence of such erased record or information pertaining to any charge erased under any provision of part I of this chapter, except as otherwise provided in this chapter.

(b) Notwithstanding any other provisions of this chapter, within one year from the date of disposition of any case, the clerk of the court or any person charged with retention and control of erased records by the chief court administrator or any criminal justice agency having information contained in such erased records may disclose to the victim of a crime or his legal representative the fact that the case was dismissed. If such disclosure contains information from erased records, the identity of the defendant or defendants shall not be released, except that any information contained in such records, including the identity of the person charged may be released to the victim of the crime or his representative upon written application by such victim or representative to the court stating (1) that a civil action has been commenced for loss or damage resulting from such act or (2) the intent to bring a civil action for such loss or damage. Any person who obtains criminal history record information by falsely representing to be the victim of a crime or his representative shall be fined not more than five thousand dollars or imprisoned not less than one year nor more than five years or both.

Sec. 54-142d. Destruction of record of decriminalized offense. Whenever any person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction, such person may file a petition with the superior court at the location in which such conviction was effected, or with the superior court at the location having custody of the records of such conviction or with the records center of the judicial department if such conviction was in the court of common pleas, circuit court, municipal court or by a trial justice, for an order of erasure, and the superior court or records center of the judicial department shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be physically destroyed.

PART II. SECURITY AND PRIVACY OF CRIMINAL RECORDS

§ 54–142g. Definitions

For purposes of this part and sections 29–11 and 54–142c, the following definitions shall apply:

(a) "Criminal history record information" means court records and information compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender notations of arrests, releases, detentions, indictments, informations, or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases; but does not include intelligence, presentence investigation, investigative information or any information which may be disclosed pursuant to subsection (d) of section 54–63d.

(b) "Criminal justice agency" means any court with criminal jurisdiction, the department of motor vehicles, or any other governmental agency created by statute which is authorized by law and engages, in fact, as its principal function in activities constituting the administration of criminal justice; including but not limited to, organized municipal police departments, the division of state police, department of correction, office of adult probation, state's attorneys, assistant state's attorneys, deputy assistant state's attorneys,

parole board, pardon board, bail commissioners and chief medical examiner. It shall also include any component of a public, noncriminal justice agency if such component is created by statute and is authorized by law and, in fact, engages in activities constituting the administration of criminal justice as its principal function.

(c) "Conviction information" means criminal history record information which has not been erased, as provided in section 54–142a, and which discloses that a person has pleaded guilty or nolo contendere to, or was convicted of, any criminal offense, and the terms of the sentence.

(d) "Current offender information" means information on the current status and location of all persons who (1) are arrested or summoned to appear in court; (2) are being prosecuted for any criminal offense in superior court; (3) have an appeal pending from any criminal conviction; (4) are detained or incarcerated in any correctional facility in this state; or (5) are subject to the jurisdiction or supervision of any probation, parole or correctional agency in this state, including persons transferred to other states for incarceration or supervision.

(e) "Nonconviction information" means (1) criminal history record information that has been "erased" pursuant to section 54–142a; (2) information relating to persons granted youthful offender status; (3) continuances which are more than thirteen months old. Nonconviction information does not mean conviction information or current offender information.

(f) "Disclosure" means the communication of information to any person by any means.

(g) "Dismissal" means (1) prosecution of the charge against the accused was declined pursuant to rules of court or statute; or (2) the judicial authority granted a motion to dismiss pursuant to rules of court or statute; or (3) the judicial authority found that prosecution is no longer possible due to the limitations imposed by section 54–193.

(1977, P.A. 77–614, § 486, eff. Jan. 1, 1979; 1978, P.A. 78–200, § 1; 1978, P.A. 78–303, § 85, eff. June 6, 1978; 1979, P.A. 79–398; 1980, P.A. 80–190, § 13; 1980, P.A. 80–193; 1981, P.A. 81–437, § 5, eff. July 1, 1981; 1981, P.A. 81–472, § 96, eff. July 8, 1981; 1982, P.A. 82–346, § 4, eff. July 1, 1982.)

PART II. SECURITY AND PRIVACY OF CRIMINAL RECORDS

§ 54–142h. Data collection; audit; maintenance of records and log

(a) All criminal justice agencies that collect, store or disseminate criminal history record information shall institute a process of data collection, entry, storage and systematic audit that will minimize the possibility of recording and storing inaccurate criminal history record information, and shall notify, upon the discovery of any such inaccuracy, all criminal justice agencies known to have received such information. The division of criminal justice may give advice to criminal justice agencies concerning the collection, storage and dissemination of criminal history record information, provided the giving of such advice shall not interfere with the duties or supersede the authority of the state librarian or public records administrator with respect to public records.

(b) For the purpose of verifying the completeness and accuracy of criminal history record information collected and maintained by criminal justice information agencies subject to Title 28, Chapter 1, Part 20 of the Code of Federal Regulations, the division of criminal justice shall conduct an annual audit of the records maintained by such agencies. Said division shall provide for a random sample of criminal justice agencies to be audited each year.

(c) Criminal justice agencies subject to such audits shall maintain and retain records that will facilitate such audits, including, but not limited to, the keeping of a log which chronologically records the date nonconviction record information was disclosed, the information disclosed, how or where the information was obtained and the person or criminal justice agency to whom the information was disseminated. Such log shall be maintained for a minimum period of twelve months. It shall not be necessary to log the disclosure of nonconviction record information to any authorized officer or employee within such agency.

§ 54–142i. Duties of criminal justice agencies re collection, storage or dissemination of criminal history record information. Personnel

All criminal justice agencies which collect, store or disseminate criminal history record information shall:

(a) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information;

(b) Initiate or cause to be initiated administrative action that could result in the transfer or removal of personnel authorized to have direct access to such information when such personnel violate the provisions of these regulations or other security requirements established for the collection, storage or dissemination of criminal history record information;

(c) Provide that direct access to computerized criminal history record information shall be available only to authorized officers or employees of a criminal justice agency, and, as necessary, other authorized personnel essential to the proper operation of a criminal history record information system;

(d) Provide that each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of the provisions in this section;

(e) Whether manual or computer processing is utilized, institute procedures to assure that an individual or agency authorized to have direct access is responsible for the physical security of criminal history record information under its control or in its custody, and for the protection of such information from unauthorized access, disclosure or dissemination. The state police bureau of identification shall institute procedures to protect both its manual and computerized criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind or other natural or man-made disasters;

(f) Where computerized data processing is employed, institute effective and technologically advanced software and hardware designs to prevent unauthorized access to such information and restrict to authorized organizations and personnel only, access to criminal history record information system facilities, systems operating environments, systems documentation, and data file contents while in use or when stored in a media library;

(g) Develop procedures for computer operations which support criminal justice information systems, whether dedicated or shared, to assure that: (1) Criminal history record information is stored by the computer in such a manner that it cannot be modified, destroyed, accessed, changed purged, or overlaid in any fashion by noncriminal justice terminals; (2) operation programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated; (3) the destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information; (4) operational programs are used to detect and store for the output of designated criminal justice agency employees all unauthorized attempts to penetrate any criminal history record information system, program or file; (5) the programs specified in subdivisions (2) and (4) of this subsection are known only to criminal justice agency employees responsible for criminal history record information system control or individuals or agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and the programs are kept continuously under maximum security conditions.

(1978, P.A. 78-200, § 6.)

§ 54-142j. Adoption of regulations and procedures

The commissioner of public safety shall adopt regulations to establish procedures for criminal justice agencies to query the central repository prior to dissemination of any criminal history disposition information to assure that the most up to date disposition data is being used. Inquiries to the state police bureau of identification shall be made prior to any dissemination except in those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period.

licensing purposes, shall be confidential and shall not be further disclosed by the agency or its representatives. Any violation of the provisions of this subsection relative to the confidentiality of information received by the department of public health and addiction services shall be punishable by a fine of not more than one thousand dollars.

(j) Notwithstanding any other provision of law to the contrary, upon the request to a criminal justice agency by the family division of the superior court, such criminal justice agency shall provide information to the family division of the superior court concerning the criminal conviction record of a person employed or seeking employment in a juvenile detention center. All information, including any criminal conviction record, procured by the family division of the superior court shall be confidential and shall not be further disclosed by the family division or their representatives. Any violation of the provisions of this subsection relative to the confidentiality of information received by the family division of the superior court shall be punishable by a fine of not more than one thousand dollars.

(k) Notwithstanding any other provisions of law to the contrary, upon request to a criminal justice agency by the department of mental health such criminal justice agency shall provide information to the department concerning the criminal conviction record of an applicant for a paid position with the department which involves direct contact with persons with mental illness. All information, including any criminal conviction record, procured by the department of mental health shall be confidential and shall not be further disclosed by the department or its representatives. Any violation of the provisions of this subsection relative to the confidentiality of information received by the department of mental health shall be punishable by a fine of not more than one thousand dollars.

(*l*) Notwithstanding any other provisions of law to the contrary, upon request to a criminal justice agency by the attorney general or an attorney representing a party in any juvenile matter as defined in section 46b–121, such criminal justice agency shall provide information to the attorney general or such attorney concerning the criminal conviction record of any person who may be granted custody of a child in such juvenile matter. All information, including any criminal conviction record, procured by the attorney general or such attorney pursuant to this subsection shall be confidential and shall not be further disclosed by the attorney general or such attorney or their representatives except to the superior court which has jurisdiction over such juvenile matter. Any violation of the provisions of this subsection relative to the confidentiality of information received by the attorney general or such attorney shall be punishable by a fine of not more than one thousand dollars.

(m) Notwithstanding any provision of law to the contrary, upon written request to a criminal justice agency by the department of education such agency shall provide information to the department concerning the criminal conviction record of an applicant for certification or person certified pursuant to section 10–145b. All information, including any criminal conviction record, shall be procured by the department for certification purposes, shall be confidential and shall not be further disclosed by the department or its representatives. Any violation of the provisions of this subsection relative to the confidentiality of information received by the department of education shall be punishable by a fine of not more than one thousand dollars.

§ 54–142*l*. Challenge to completeness or accuracy of record

(a) A person may challenge the completeness and accuracy of such information by giving written notice of his challenge to the state bureau of identification and to the agency at which he inspected the information, if other than the state police bureau of identification. The notice shall contain a sworn statement that the information in or supporting the challenge is accurate and that the challenge is made in good faith.

(b) Upon receipt of the notice, the state police bureau of identification shall conduct an audit of the part of such person's criminal history record information which is necessary to determine the accuracy of the challenge, and may require any criminal justice agency which was the source of the challenged information to verify such information. Within sixty days after the notice is received, the state bureau of identification shall notify the person in writing of the results of the audit, and of his right to appeal if the challenge is rejected.

(1978, P.A. 78–200, § 7.)

§ 54–142m. Disclosure of nonconviction information by criminal justice agency

(a) A criminal justice agency holding nonconviction information may disclose it to persons or agencies not otherwise authorized (1) for the purposes of research, evaluation or statistical analysis or (2) if there is a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to such agreement;

(b) No nonconviction information may be disclosed to such persons or agencies except pursuant to a written agreement between the agency holding it and the persons to whom it is to be disclosed;

(c) The agreement shall specify the information to be disclosed, the persons to whom it is to be disclosed, the purposes for which it is to be used, the precautions to be taken to insure the security and confidentiality of the information and the sanctions for improper disclosure or use;

(d) Persons to whom information is disclosed under the provisions of this section shall not without the subject's prior written consent disclose or publish such information in such manner that it will reveal the identity of such subject.

(1978, P.A. 78–200, § 11; 1980, P.A. 80–483, § 139, eff. June 6, 1980.)

§ 54–142n. Further provisions for disclosure of nonconviction information

Nonconviction information other than erased information may be disclosed only to: (a) Criminal justice agencies in this and other states and the federal government; (b) agencies and persons which require such information to implement a statute or executive order that

expressly refers to criminal conduct; (c) agencies or persons authorized by a court order, statute or decisional law to receive criminal history record information. Whenever a person or agency receiving a request for nonconviction information is in doubt about the authority of the requesting agency to receive such information, the request shall be referred to the state police bureau of investigation.

(1978, P.A. 78–200, § 13.)

§ 54–142o. Dissemination of nonconviction information to noncriminal justice agencies

(a) Nonconviction information disseminated to noncriminal justice agencies shall be used by such agencies only for the purpose for which it was given and shall not be redisseminated.

(b) No agency or individual shall confirm the existence or nonexistence of nonconviction information to any person or agency that would not be eligible to receive the information itself.

(1978, P.A. 78–200, § 12.)

§ 54–142p. Letter of criminal record or no criminal record to enter United States or foreign nation

(a) Any criminal justice agency may furnish criminal history record information or a no criminal record letter to an individual in conjunction with an application to enter the United States or any foreign nation when the subject of the record (1) certified that the information is needed to complete an application to enter the United States or a foreign nation, and (2) provides proof that he is the subject of the record.

(b) The disseminating agency shall certify that the information released is accurate as of ninety days prior to release and is being disclosed only for the purpose of assisting the subject of the record in gaining entry into the United States or a foreign nation.

(1978, P.A. 78–200, § 14.)

State Police
Bureau of Identification

§ 29–11. State police bureau of identification. Fees

(a) The bureau in the division of state police within the department of public safety known as the state police bureau of identification shall be maintained for the purposes (1) of providing an authentic record of each person sixteen years of age or over who is charged with

the commission of any crime involving moral turpitude, (2) of providing definite information relative to the identity of each person so arrested, (3) of providing a record of the final judgment of the court resulting from such arrest, unless such record has been erased pursuant to section 54–142a, and (4) for maintaining a central repository of complete criminal history record disposition information. The commissioner of public safety is directed to maintain the state police bureau of identification, which bureau shall receive, classify and file in an orderly manner all fingerprints, pictures and descriptions, including previous criminal records as far as known of all persons so arrested, and shall classify and file in a like manner all identification material and records received from the government of the United States and from the various state governments and subdivisions thereof, and shall cooperate with such governmental units in the exchange of information relative to criminals. The state police bureau of identification shall accept fingerprints of applicants for admission to the bar of the state and, to the extent permitted by federal law, shall exchange state, multistate and federal criminal history records with the state bar examining committee for purposes of investigation of the qualifications of any applicant for admission as an attorney under section 51–80. The record of all arrests reported to the bureau after March 16, 1976, shall contain information of any disposition within ninety days after the disposition has occurred.

(b) Any cost incurred by the state police bureau of identification in conducting any name search and fingerprinting of applicants for admission to the bar of the state shall be paid from fees collected by the state bar examining committee.

(c) The commissioner of public safety shall charge the following fees for the service indicated: (1) Name search, eight dollars; (2) fingerprint search, fifteen dollars; (3) personal record search, fifteen dollars; (4) letters of good conduct search, fifteen dollars; (5) bar association search, fifteen dollars; (6) fingerprinting, five dollars; (7) criminal history record information search, fifteen dollars; (8) each copy of a search, ten dollars. Except as provided in subsection (b) of this section, the provisions of this subsection shall not apply to any federal, state or municipal agency.

§ 29–12. Fingerprinting and physical description of arrested persons

All persons arrested for crime as described in section 29–11 shall submit to the taking of their fingerprints and physical description and all sheriffs, constables and chiefs of police of organized police departments and the commanding officers of state police stations shall immediately furnish to the state police bureau of identification two copies of a standard identification card on which shall be imprinted fingerprints of each person so arrested, together with the physical description of, and such information as said bureau may require with respect to, such arrested person. All wardens, the community correctional center administrator and superintendents of correctional institutions shall furnish to the state police bureau of identification such information with respect to prisoners as said bureau requires. The commissioner of public safety may adopt regulations for the submission to and the taking of fingerprints as required under this section which will promote efficiency and be consistent with advances in automation and technology.

(1976, P.A. 76–333, § 2; 1977, P.A. 77–614, § 486, eff. Jan. 1, 1979; 1977, P.A. 77–614, § 587, eff. June 2, 1977; 1978, P.A. 78–200, § 4; 1978, P.A. 78–303, § 85, eff. June 6, 1978.)

§ 29–13. Notice of judgments

When the criminal charge against a person who has been arrested and fingerprinted in accordance with the provisions of this chapter [1] is disposed of in any court, the clerk of such court shall, within three days, notify the state police bureau of identification of the judgment of the court on printed forms provided by said bureau.

§ 29–14. Duties of bureau

Said bureau shall, on the receipt of any such identification card, immediately cause the files to be examined and shall promptly return to the police department or peace officer submitting such identification card a true transcript of the record of previous crimes committed by the person described on each such identification card, and said bureau shall assist police and prosecuting officials in the preparation and distribution of circulars relative to fugitives when so requested. When an arrest is made by an officer of a police department or other peace officer who is not equipped with necessary paraphernalia or skilled in the art of taking fingerprints and proper descriptions of criminals, he may call on the state police bureau of identification or on the nearest state police station for assistance and any officer or officers so called shall render such assistance immediately.

(1976, P.A. 76–333, § 4.)

§ 29–15. Return of fingerprints, pictures and descriptions

(a) On or after October 1, 1974, when any person, having no record of prior criminal conviction, whose fingerprints and pictures are so filed has been found not guilty of the offense charged, or has had such charge dismissed or nolled, his fingerprints, pictures and description and other identification data and all copies and duplicates thereof, shall, be returned to him not later than sixty days after the finding of not guilty or after such dismissal or in the case of a nolle within sixty days after thirteen months of such nolle.

(b) Any person having no record of prior criminal conviction whose fingerprints and pictures are so filed, who has been found not guilty of the offense charged or has had such charge dismissed or nolled prior to October 1, 1974, may, upon application to the person charged with the retention and control of such identification data at the state police bureau of identification, have his fingerprints, pictures and description and other identification data and all copies and duplicates thereof, returned to him not later than sixty days after the filing of such application provided in the case of a nolle, such nolle shall have occurred thirteen months prior to filing of such application.

(1975, P.A. 75–567, § 72, eff. June 30, 1975; 1978, P.A. 78–200, § 5.)

§ 29–16. Use of information

Information contained in the files of the state police bureau of identification relative to the commission of crime by any person shall be considered privileged and shall not be disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of an established court wherein such civil proceedings are had. All information contained in the files of the state police bureau of identification relative to criminal records and personal history of persons convicted of crime shall be available at all times to all peace officers engaged in the detection of crime, to all prosecuting officials and probation officers for the purpose of furthering the ends of public justice and to the state bar examining committee for the purpose of ensuring that those individuals admitted to the practice of law are of the highest quality.

(1976, P.A. 76–333, § 5; 1985, P.A. 85–121.)

§ 29-17. Penalty .

Any person who neglects or refuses to comply with the requirements of sections 29–11 to 29–16, inclusive, shall be fined not more than one hundred dollars.

CHAPTER 3

PUBLIC RECORDS AND MEETINGS

Sec. 1-7. Recording by photographic process. When any officer, office, court, commission, board, institution, department, agent or employee of the state, or of any political subdivision thereof, is required or authorized by law or has the duty to record or copy any document, plat, paper or instrument of writing, such recording or copying may be done by any photographic process, approved by the public records administrator, which clearly and accurately copies, photographs or reproduces the original document, plat, paper or instrument of writing. Properly certified photographic copies of any record made under the provisions of this section shall be admissible in evidence in the same manner and entitled to the same weight as copies made and certified from the original.

(1949 Rev., S. 8883.)
See Sec. 3-98.

Sec. 1-8. "Recorded" defined. When books, records, papers or documents are required to be recorded by law, the word "recorded" shall be construed to include, and such recording may be made by, photographic reproduction, including proper fixation, of such books, records, papers or documents, on such sensitized paper or cellulose acetate photographic film, and with the reproduced image in such ratio in size to the original object photographed, as may be approved by the public records administrator.

(1949 Rev., S. 8884.)

Sec. 1-9. Standard paper for permanent records. No person having custody of any permanent record or register in any department or office of the state, or of any political subdivision thereof, or of any probate district, shall use or permit to be used for recording purposes any paper other than a one hundred per cent rag content paper with dated watermark approved by the public records administrator. Said administrator shall furnish to each person having custody of any such permanent record a list of such papers. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

(1949 Rev., S. 1638; 1959, P.A. 152, S. 83; 1967, P.A. 468.)
See Sec. 11-8.

Sec. 1-10. Standard ink for public records. No person having the care or custody of any book of record or registry in any department or office of this state, or of any town, city, borough or probate district, shall use or permit to be used upon such book any ink, including ink used on typewriters and typewriter ribbons, other than such as is approved by the public records administrator. Before the administrator approves of any ink, he shall cause a number of distinct and separate brands to be examined as to quality by a state chemist, and give his approval of not less than four different brands or manufacturers, and the inks so approved shall be standard inks for use in this state. Such approval may be revoked at any time by the administrator when he finds the ink furnished to be inferior to that approved. The administrator shall furnish to each department and office of the state, and to each custodian of public records and each recording office, a list of the brands or manufacturers of ink which have received his approval. Any custodian of records who uses, or causes or permits to be used, thereon any ink not so approved shall be fined not more than one hundred dollars.

Sec. 1-11. Loose-leaf binders for public records. The public records administrator shall furnish to each person having custody of any book of record or register in any department or office of the state or of any town, city, borough or probate district a list of approved loose-leaf binders for use for recording purposes and may revoke such approval at any time when he finds any such binder inferior to those approved. Any person having custody of any such book who uses or permits to be used for recording purposes any loose-leaf binder which has not been so approved shall be fined not more than one hundred dollars.

(1949 Rev., S. 1640; 1959, P.A. 152, S. 85.)

Sec. 1-12. Typewriting and printing. Legal force. All typewriting or printing executed or done on publicrecords, and in any instrument, and for any other purpose, shall have the same legal force, meaning and effect as writing, and "writing" shall be held to include typewriting or printing; provided this section shall not be so construed as in any manner to affect or change the law regarding signatures.

(1949 Rev., S. 1641.)
See Sec. 3-98.

Sec. 1-13. Making of reproductions. Any original books, records, papers or documents may be delivered by any recording agency to any department of the state, or to any political subdivision of the state, for the purpose of having such reproductions made, and, upon such reproduction, such original books, records, papers or documents shall be returned promptly to such delivering agency. Whenever provision is made by statute for the return of any original books, records, papers or documents to any person, such return shall be delayed until after the delivery back to such recording agency of the reproduced image or images properly fixed. Any reproduced image or images may be released for fixation to any processor approved by the public records administrator.

(1949 Rev., S. 8885.)

Sec. 1-14. "Certified copy" defined. Evidence. When the term "certified copy" is used in any statute relating to any recording agency, such term shall be construed to include a certified photographic reproduction of the reproduced

image or images of such books, records, papers or documents, in such ratio in size to the original object photographed as may be approved by the public records administrator. Any such photographic record or any such certified copy may be admitted in evidence with the same effect as the original thereof, and shall be prima facie evidence of the facts set forth therein.

(1949 Rev., S. 8886; February, 1965, P.A. 29.)

Sec. 1-15. Application for copies of public records. Certified copies. Fees. Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy, or printout, or transcription provided in accordance with this section and sections 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall not exceed the cost thereof to the public agency. The public agency shall waive any fee provided for in this section when (1) the person requesting the records is an indigent individual, (2) the records located are determined by the public agency to be exempt from disclosure under subsection (b) of section 1-19, or (3) in its judgment, compliance with the applicant's request benefits the general welfare. Except as otherwise provided by law, the fee for any person who has the custody of any public records or files for certifying any copy of such records or files, or certifying to any fact appearing therefrom, shall be for the first page of such certificate, or copy and certificate, one dollar; and for each additional page, fifty cents. For the purpose of computing such fee, such copy and certificate shall be deemed to be one continuous instrument.

(1949 Rev., S. 3625; 1959, P.A. 352, S. 1; P.A. 75-342, S. 5.)
See Sec. 7-34a (a).

Sec. 1-16. Photographic reproduction of documents. Any officer of the state or any political subdivision thereof, any judge of probate and any person, corporation or association required to keep records, papers or documents may cause any or all such records, papers or documents to be photographed, microphotographed or reproduced on film. Such photographic film shall conform to standards specified in section 1-8, and the device used to reproduce such records on such film shall be one which accurately reproduces the original thereof in all details.

(1949 Rev., S. 8887; 1963, P.A. 152, S. 1.)
See Sec. 4-34.
Cited. 169 C. 186.

Sec. 1-17. Reproductions to serve purposes of originals. Such photographs, microphotographs or photographic film shall for all purposes be considered the same as the original records, papers or documents. A transcript, exemplification or certified copy thereof shall for all purposes be deemed to be a transcript, exemplification or certified copy of the original.

(1949 Rev., S. 8888.)
Cited. 169 C. 186.

Sec. 1-18. Disposition of original documents. The original records, papers or documents so reproduced may be disposed of in such manner as may meet the approval of the head of the political subdivision in charge thereof, or the probate court administrator in the case of probate records, with the approval of the public records administrator. All other original records, papers or documents so reproduced may be disposed of at the option of the keeper thereof.

Sec. 1-18a. Definitions. As used in this chapter, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(a) "Public agency" or "agency" means any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, and also includes any judicial office, official or body of the court of common pleas, probate court and juvenile court but only in respect to its or their administrative functions.

(b) "Meeting" means any hearing or other proceeding of a public agency and any convening or assembly of a quorum of a multi-member public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power, but shall not include any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business. "Meeting" shall not include strategy or negotiations with respect to collective bargaining nor a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency. "Caucus" means a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision.

(c) "Person" means natural person, partnership, corporation, association or society.

(d) "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

(e) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (1) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (2) strategy and negotiations with respect to pending claims and litigation; (3) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (4) discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (5) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-19.

(P.A. 75-342, S. 1.)

Sec. 1-19. Access to public records. Exempt records. (a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to inspect or copy such records at such reasonable time as may be determined by the custodian thereof. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of any political subdivision or the secretary of the state, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy or such other person designated or empowered by law to so act, of such agency shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(b) Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of (1) preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure; personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy; (2) records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known, (B) information to be used in a prospective law enforcement action if prejudicial to such action, (C) investigatory techniques not otherwise known to the general public, or (D) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes; (3) records pertaining to pending claims and litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled; (4) trade secrets, which for purposes of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are recognized by law as confidential, and commercial or financial information given in confidence, not required by law and obtained from the public; (5) test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations; (6) the contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision; (7) statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate or permit applied for; (8) records, reports and statements of strategy or negotiations with respect to collective bargaining; (9) records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship.

(c) The records referred to in subsection (b) shall not be deemed public records for the purposes of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, provided disclosure pursuant to the provisions of said sections shall be required of all records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in chapter 352, or any nursing home, home for the aged or rest home, as defined in sections 19-576 to 19-601, inclusive, by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings.

Sec. 1-19a. Access to computer-stored records. Any public agency which maintains its records in a computer storage system shall provide a printout of any data properly identified.

(P.A. 75-342, S. 4.)

Sec. 1-19b. Agency administration. Disclosure of personnel, birth and tax records. Judicial records and proceedings. Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be: (1) Construed as preventing any public agency from opening its records concerning the administration of such agency to public inspection, or (2) construed as authorizing the withholding of information in personnel files, birth records or of confidential tax data from the individual who is the subject of such records, or (3) be deemed in any manner to affect the status of judicial records as they existed prior to October 1, 1975, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state.

(P.A. 75-342, S. 3.)

Sec. 1-20. Refusal of access. Appeal. Section 1-20 is repealed.

(1957, P.A. 428, S. 2, 3; 1961, P.A. 521; 1969, P.A. 311; P.A. 74-183, S. 160, 291; P.A. 75-342, S. 17.)

Sec. 1-20a. Public employment contracts as public record. Any contract of employment to which the state or a political subdivision of the state is a party shall be deemed to be a public record for the purposes of sections 1-19 and 1-20.

(P.A. 73-271.)

Sec. 1-21. Meetings of government agencies to be public. Recording of votes. Schedule of meetings to be filed. Notice of special meetings. Executive sessions exempt. The meetings of all public agencies, except executive sessions as defined in subsection (e) of section 1-18a shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours, excluding any Saturday, Sunday or legal holiday, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection at all reasonable times. Each such public agency of the state shall file not later than January thirty-first of each year in the office of the secretary of the state the schedule of the regular meetings of such public agency for the ensuing year, except that such provision shall not apply to the general assembly, either house thereof or to any committee thereof. Any other provision of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive,

meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed. Notice of each special meeting of every public agency, except for the general assembly, either house thereof or any committee thereof, shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice of the time and place thereof in the office of the secretary of the state for any such public agency of the state, and in the office of the clerk of such subdivision for any public agency of a political subdivision of the state; provided, however, in case of emergency, except for the general assembly, either house thereof or any committee thereof, any such special meeting may be held without complying with the foregoing requirement for the posting of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the secretary of the state or the clerk of such political subdivision, as the case may be, not later than seventy-two hours following the holding of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the public agency a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Nothing in this section shall be construed to prohibit any agency from adopting more stringent notice requirements. No member of the public shall be required, as a condition to attendance at a meeting of any such body to register his name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to his attendance, except as provided in section 2-45. A public agency may hold an executive session as defined in subsection (e) of section 1-18a upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in said section.

Sec. 1-21a. *Broadcasting or photographing meetings. (a) At any meeting of a public agency which is open to the public, pursuant to the provisions of section 1-21, proceedings of such public agency may be photographed, broadcast or recorded for broadcast, subject to such rules as such public agency may have prescribed prior to such meeting, by any newspaper, radio broadcasting company or television broadcasting company. Any radio, television or photographic equipment may be so located within the meeting room as to permit the broadcasting either by radio, or by television, or by both, or the photographing of the proceedings of such public agency. The photographer or broadcaster and its personnel shall be required to handle the photographing or broadcast as inconspicuously as possible and in such manner as not to disturb the proceedings of the public agency. As used herein the term television shall include the transmission of visual and audible signals by cable.

(b) Any such public agency may adopt rules governing such photography or the use of such broadcasting equipment for radio and television stations but, in the absence of the adoption of such rules and regulations by such public agency prior to the meeting, such photography or the use of such radio and television equipment shall be permitted as provided in subsection (a).

(c) Whenever there is a violation or the probability of a violation of subsections (a) and (b) of this section the court of common pleas, or a judge thereof, for the county or judicial district in which such meeting is taking place shall, upon application made by affidavit that such violation is taking place or that there is reasonable probability that such violation will take place, issue a temporary injunction against any such violation without notice to the adverse party to show cause why such injunction should not be granted and without the plaintiff's giving bond. Any person or public agency so enjoined may immediately appear and be heard by the court or judge granting such injunction with regard to dissolving or modifying the same and after hearing the parties and upon a determination that such meeting should not be open to the public said court or judge may dissolve or modify the injunction. Any action taken by a judge upon any such application shall be immediately certified to the court to which such proceedings are returnable.

(1967, P.A. 851, S. 1, 2; 1969, P.A. 706; P.A. 74-183, S. 161, 291; P.A. 75-342, S. 12; P.A. 76-435, S. 24, 82.)

*See P.A. 76-436, S. 562 for amendment, effective July 1, 1978, relative to superior court jurisdiction.

Sec. 1-21b. Smoking in public meetings in rooms in public buildings prohibited. Penalty. (a) No person shall smoke in any room in a public building while a meeting open to the general public is in progress in such room. Any person found guilty of violating this section shall be fined not more than five dollars.

(b) Notwithstanding the provisions of subsection (a), no person shall be arrested for violating this section unless there is posted in such room a sign which indicates that smoking is prohibited. Such sign shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide and shall be visibly posted by the person having control over the premises.

(P.A. 74-126, S. 1—3.)

Sec. 1-21c. Mailing of notice of meetings to persons filing written request. Fees. The public agency shall, where practicable, give notice by mail of each regular meeting, and of any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for such notice with such body, except that such body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting. Such notice requirement shall not apply to the general assembly, either house thereof or to any committee thereof. Any request for notice filed pursuant to this section shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for notice shall be filed within thirty days after January first of each year. Such public agency may establish a reasonable charge for sending such notice based on the estimated cost of providing such service.

any regular or special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular meeting the clerk or the secretary of such body may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in section 1-21, for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, within twenty-four hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings, by ordinance, resolution, by law or other rule.

(P.A. 75-342, S. 8.)

Sec. 1-21e. Continued hearings. Notice. Any hearing being held, or noticed or ordered to be held, by the public agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of such agency in the same manner and to the same extent set forth in section 1-21d, for the adjournment of meeting, provided, that if the hearing is continued to a time less than twenty-four hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted on or near the door of the place where the hearing was held immediately following the meeting at which the order or declaration of continuance was adopted or made.

(P.A. 75-342, S. 9.)

Sec. 1-21f. Regular meetings to be held pursuant to regulation, ordinance or resolution. The public agency shall provide by regulation, in the case of a state agency, or by ordinance or resolution in the case of an agency of a political subdivision, the place for holding its regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If it shall be unsafe to meet in the place designated, the meetings may be held at such place as is designated by the presiding officer of the public agency; provided a copy of the minutes of any such meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the secretary of the state or the clerk of the political subdivision, as the case may be, not later than seventy-two hours following the holding of such meeting.

(P.A. 75-342, S. 10.)

Sec. 1-21g. Executive sessions. At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance.

(P.A. 75-342, S. 11.)

Sec. 1-21h. Conduct of meetings. In the event that any meeting of a public agency is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by

the removal of individuals who are wilfully interrupting the meetings, the members of the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit such public agency from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the meeting.

(P.A. 75-342, S. 13.)

Sec. 1-21i. Denial of access of public records or meetings. Notice. Appeals. (a) Any denial of the right to inspect or copy records provided for under section 1-19, shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request. Failure to comply with a request to so inspect or copy such public record within such four business day period shall be deemed to be a denial.

(b) Any person denied the right to inspect or copy records under section 1-19 or wrongfully denied the right to attend any meeting of a public agency may appeal therefrom, within fifteen days, to the freedom of information commission, by filing a notice of appeal with said commission and a copy thereof with the agency. Said commission shall, within twenty days after receipt of the notice of appeal, hear such appeal after due notice to the parties and shall decide the appeal within fifteen days after such hearing, by confirming the action of the agency or ordering the agency to comply forthwith. It may, in its sound discretion, declare any or all actions taken at any meeting to which such person was denied the right to attend null and void.

(c) Any person who does not receive proper notice of any meeting of a public agency in accordance with the provisions of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, may appeal under the provisions of subsection (a) of this section. A public agency of the state shall be presumed to have given timely and proper notice of any meeting as provided for in said sections if notice is given in the Connecticut Law Journal or a Legislative Bulletin. A public agency of a political subdivision shall be presumed to have given proper notice of any meeting, if a notice is timely sent under the provisions of said sections by first-class mail to the address indicated in the request of the person requesting the same. If such commission, determines that notice was improper, it may, in its sound discretion, declare any or all actions taken at such meeting null and void.

(d) Any person aggrieved by the decision of said commission may appeal therefrom, within fifteen days, to the court of common pleas for the county or judicial district wherein such body, agency, commission, or official is located, which appeal shall be returnable to said court in the same manner as that prescribed for civil actions. Notice of such appeal shall be given by leaving a true and attested copy thereof with, or at the usual place of abode of, the chairman or secretary of said commission. The appeal shall state the reasons upon which it has been predicated and shall not stay proceedings upon the decision of said commission appealed from, but the court to which such appeal is returnable may, on application, on notice to the commission and on cause shown, grant

a restraining order. Said commission shall be required to submit either the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof. The court, upon such appeal, shall review the proceedings of said commission and shall allow any party to introduce evidence in addition to the contents of the record of the case returned by said commission if the record does not contain a complete transcript of the entire proceedings before said commission or if, upon the hearing upon such appeal, it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. The court, upon such appeal and after a hearing thereon, may reverse or affirm, in whole or in part, or may modify or revise the decision appealed from. Such appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by or on behalf of the state, including informations on the relation of private individuals. Nothing in this section shall deprive any person of any rights he may have had at common law prior to January 1, 1958. The court, or the freedom of information commission, if it finds that the denial of any right created by sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, was wilful and that there was no reasonable ground for such denial, shall fine the custodian or other official directly responsible for such denial not less than twenty nor more than five hundred dollars.

(P.A. 75-342, S. 14; P.A. 76-435, S. 25, 82.)

Sec. 1-21j. Freedom of information commission. Appointment. Duties. Powers. (a) There shall be a freedom of information commission consisting of three members appointed by the governor, with the advice and consent of either house of the general assembly, who shall serve for terms of six years from the July first of the year of their appointment, except that of the members first appointed, one shall serve for a period of four years from July 1, 1975, and one shall serve for a period of two years from July 1, 1975. No more than two members shall be members of the same political party. Said commission shall be an autonomous body within the office of the secretary of the state for fiscal and budgetary purposes only.

(b) Each member shall receive twenty-five dollars per day for each day such member is present at a commission hearing and an allowance for transportation, a sum not to exceed twelve cents per mile, for each day such member attends a commission hearing.

(c) The governor shall select one of its members as a chairman. The commission shall maintain a permanent office at Hartford in such suitable space as the public works commissioner provides; the secretary of the state shall provide such secretarial assistance as is needed. All papers required to be filed with the commission shall be delivered to such office.

(d) The commission shall, subject to the provisions of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, promptly review the alleged violation of said sections and issue an order pertaining to the same. Said commission shall have the power to investigate all alleged violations of said sections and may for the purpose of investigating any violation hold a hearing, administer oaths, examine witnesses, receive oral and documentary evidence, have the power to subpoena witnesses under procedural rules adopted by the commission to compel attendance and to require the production for examination of any

books and papers which the commission deems relevant in any matter under investigation or in question. In case of a refusal to comply with any such subpoena or to testify with respect to any matter upon which that person may be lawfully interrogated, the court of common pleas for the county of Hartford, on application of the commission, may issue an order requiring such person to comply with such subpoena and to testify; failure to obey any such order of the court may be punished by the court as a contempt thereof.

(P.A. 75-342, S. 15, 19.)

Sec. 1-21k. Penalties. (a) Any person who wilfully, knowingly and with intent to do so, destroys, mutilates or otherwise disposes of any public record without the approval required under section 1-18 or unless pursuant to chapter 47, or who alters any public record, shall be guilty of a class A misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense.

(b) Any member of any public agency who fails to comply with an order of the freedom of information commission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense.

PERSONAL DATA [NEW]

§ 4-190. Definitions

As used in this chapter:

(a) "Agency" means each state board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education, which maintains a personal data system.

(b) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under this chapter.

(c) "Authorized representative" means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under this chapter.

(d) "Automated personal data system" means a personal data system in which data is stored, in whole or part, in a computer or in computer accessible files.

(e) "Computer accessible files" means any personal data which is stored on-line or off-line, which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory utilized by any processing device, including computers or telecommunications control units, punched cards, optically scannable paper or film.

(f) "Maintain" means collect, maintain, use or disseminate.

(g) "Manual personal data system" means a personal data system other than an automated personal data system.

(h) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(i) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (3) of subsection (b) of section 1-19.

(j) "Personal data system" means a collection of records containing personal data.

(k) "Record" means any collection of personal data, defined in subsection (i), which is collected, maintained or disseminated.

(1976, P.A. 76-421, § 1, eff. July 1, 1977; 1977, P.A. 77-431, §§ 1, 2, eff. Jan. 1, 1978; 1978, P.A. 78-200, § 2; 1979, P.A. 79-631, § 5.)

§§ 4-191, 4-192. Repealed. (1979, P.A. 79-538, § 2.)

The repealed § 4-191, which prohibited disclosure or transmission of personal data was derived from 1976, P.A. 76-421, § 2; 1977, P.A. 77-431, § 5.

The repealed § 4-192, which prescribed when personal data may be disclosed without permission, was derived from:
1976, P.A. 76-421, § 3.
1977, P.A. 77-431, § 6.
1978, P.A. 78-362, § 2.

§ 4-193. Agency's duties re personal data

Each agency shall:

(a) Inform each of its employees who operates or maintains a personal data system or who has access to personal data, of the provisions of (1) this chapter, (2) the agency's regulations adopted pursuant to section 4-196, (3) chapter 3 and (4) any other state or federal statute or regulation concerning maintenance or disclosure of personal data kept by the agency;

(b) Take reasonable precautions to protect personal data from the dangers of fire, theft, flood, natural disaster or other physical threats;

(c) Keep a complete record, concerning each person, of every individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data pursuant to subsections (b) and (c) of section 4-192, and the reason for each such disclosure or access; and maintain such

record for not less than five years from the date of obtaining such access or disclosure or maintain such record for the life of the record, whichever is longer.

(d) Make available to a person, upon written request, the record kept under subsection (c) of this section;

(e) Maintain only that information about a person which is relevant and necessary to accomplish the lawful purposes of the agency;

(f) Inform an individual in writing, upon written request, whether the agency maintains personal data concerning him;

(g) Except as otherwise provided in section 4-194, disclose to a person, upon written request, on a form understandable to such person, all personal data concerning him which is maintained by the agency. If disclosure of personal data is made under this subsection, the agency shall not disclose any personal data concerning persons other than the requesting person;

(h) Establish procedures which:

(1) Allow a person to contest the accuracy, completeness or relevancy of his personal data;

(2) Allow personal data to be corrected upon request of a person when the agency concurs in the proposed correction;

(3) Allow a person who believes that the agency maintains inaccurate or incomplete personal data concerning him to add a statement to the record setting forth what he believes to be an accurate or complete version of that personal data. Such a statement shall become a permanent part of the agency's personal data system, and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(1976, P.A. 76-421, § 4, eff. July 1, 1977; 1977, P.A. 77-431, § 3, eff. Jan. 1, 1978; 1977, P.A. 77-604, §§ 3, 4, eff. July 6, 1977; 1979, P.A. 79-538, § 1.)

§ 4-194. Refusal to disclose. Medical doctor to review data. Judicial relief

(a) If an agency determines that disclosure to a person of medical, psychiatric or psychological data concerning him would be detrimental to that person, or that nondisclosure to a person of personal data concerning him is otherwise permitted or required by law, the agency may refuse to disclose that personal data, and shall refuse disclosure where required by law. In either case, the agency shall advise that person of his right to seek judicial relief.

(b) If an agency refuses to disclose personal data to a person and the nondisclosure is not mandated by law, the agency shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the agency shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the agency shall not disclose the personal data and shall inform such person of the judicial relief provided under section 4-195.

§ 4-195. Petition to the court for failure to disclose

If disclosure of personal data is refused by an agency under section 4-194, any person aggrieved thereby may, within thirty days of such refusal, petition the superior court for the county or judicial district in which he resides for an order requiring the agency to disclose the personal data. Such a proceeding shall be privileged with respect to assignment for trial. The court, after hearing and an in camera review of the personal data in question, shall issue the order requested unless it determines that such disclosure would be detrimental to the person or is otherwise prohibited by law.
(1976, P.A. 76-421, § 6, eff. July 1, 1977; 1977, P.A. 77-431, § 5; 1977, P.A. 77-452, § 47, eff. July 1, 1978.)

§ 4-196. Agencies to adopt regulations

Each agency shall, within six months of July 1, 1977, adopt regulations pursuant to chapter 54 which describe:

(1) The general nature and purpose of the agency's personal data systems;

(2) The categories of personal and other data kept in the agency's personal data systems;

(3) The agency's procedures regarding the maintenance of personal data;

(4) The uses to be made of the personal data maintained by the agency.
(1976, P.A. 76-421, § 7, eff. July 1, 1977; 1977, P.A. 77-431, § 5, eff. June 14, 1977.)

§ 4-197. Action against agency for violation of chapter

Any agency which violates any provision of this chapter shall be subject to an action by any aggrieved person for injunction, declaratory judgment, mandamus or a civil action for damages. Such action may be brought in the superior court for the judicial district of Hartford-New Britain, or for the judicial district in which the person resides. Actions for injunction, declaratory judgment or mandamus under this section may be prosecuted by any aggrieved person or by the attorney general in the name of the state upon his own complaint or upon the complaint of any individual. Any aggrieved person who prevails in an action under this section shall be entitled to recover court costs and reasonable attorney's fees. An action under this section shall be privileged with respect to assignment for trial.
(1976, P.A. 76-421, § 8, eff. July 1, 1977; 1977, P.A. 77-431, § 5, eff. June 14, 1977; 1978, P.A. 78-280, § 6, eff. July 1, 1978.)