
 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	Directive Number <b>4.4</b>	Effective Date <b>3/19/2015</b>	Page 1 of 7
	Supersedes <b>Access to Inmate Information, dated 6/30/2009</b>		
Approved By   Commissioner Scott Semple	Title  <b>Access to Inmate Information</b>		

1. Policy. Access to inmate information produced, gathered, and stored by the Department of Correction may be granted in accordance with policies, laws and regulations regarding the confidentiality of such information.
  
2. Authority and Reference.
  - A. Public Law 104-191, Health Insurance Portability Accountability Act (HIPAA).
  - B. Code of Federal Regulations, Title 42 CFR.
  - C. Connecticut General Statutes, Sections 1-200 through 1-259, 4-190 through 4-204, 18-81, 19a-581 through 19a-599, 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-73a 54-63d, 54-142a through 54-142d, 54-142g through 54-142r and Chapter 899.
  - D. "Communications Terminal User's Agreement," between the Connecticut Department of Emergency Services and Public Protection and the Department of Correction.
  - E. Administrative Directives 1.4, Cooperation with Community and Governmental Organizations; 1.7, Research; 3.10, Fees, Reimbursements and Donations; 4.3, Court Processes; 8.9, Health Services Review; and 8.11, Human Immunodeficiency Virus Infection.
  - F. American Correctional Association, Standards for Administration of Correctional Agencies, Second Edition, April 1993, Standards 2-CO-1E-06 through 2-CO-1E 08, 2-CO-1F-01, 2-CO-1F-06 and 2-CO-1F-07.
  - G. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4019, 4-4070, 4-4095, 4-4098, 4-4099, 4-4101 and 4-4102.
  - H. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-7D-17, 4-ALDF-7D-20 and 4-ALDF-7D-21.
  - I. American Correctional Association, Standards for Adult Probation and Parole Field Services, Third Edition, August 1998, Standards 3-3071, 3-3101 and 3-3107.
  
3. Definitions. For the purposes stated herein, the following definitions apply:
  - A. Conviction Information. Criminal history record information which has not been erased, as provided in Section 54-142a of the Connecticut General Statutes, 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.
  - B. Criminal History Record Information. 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, information, 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

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intelligence, presentence investigation, investigative information or any information which may be disclosed pursuant to subsection (f) of Section 54-63d of the Connecticut General Statutes.

- C. Criminal Justice Agency. 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 Department of Emergency Services and Public Protection, the Department of Correction (DOC), the Court Support Services Division, the Office of Policy and Management, the state's attorneys, assistant state's attorneys and deputy assistant state's attorneys, the Board of Pardons and Paroles, the Chief Medical Examiner and the Office of the Victim Advocate. "Criminal justice agency" includes any component of a public, non-criminal 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.
- D. Current Offender Information. 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. Direct Access. The obtaining of information without any other individual participating in the retrieval of the information.
- F. Disclosure. The communication of information to any person by any means.
- G. Inmate Personal Data. Information which pertains to the inmate, which is not included in the categories of inmate information described above, which 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, including but in no way limited to emergency contact information and veteran status.
- H. Non-Conviction Information. (1) Criminal history record information that has been "erased" pursuant to Section 54-142a of the Connecticut General Statutes; (2) information relating to persons granted youthful offender status; (3) continuances which are more than thirteen months old. Non-conviction information does not mean conviction information or current offender information.
4. Direct Access. Direct access shall be available only for criminal justice purposes and only to the extent necessary for the performance of duty. The Unit Administrator of each Department site shall ensure that any person having direct access to information is trained in the responsibilities of gathering, viewing or updating information; requires such access for the proper performance of the person's duties; and has agreed not to disclose the information to recipients who are ineligible to receive it. No inmate shall have direct access to any equipment providing automated offender information of any type.

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Data received via the following information systems maintained by other state agencies shall not be disclosed to inmates or their attorneys: Connecticut Online Law Enforcement Communications Teleprocessing (COLLECT), National Crime Information Center (NCIC), Judicial Information System (JIS), Offender Based Tracking System (OBTS), Paperless Re-Arrest Warrant System (PRAWN), and Judicial Electronic Bridge (JEB). Each Department employee who has access to information received via the COLLECT, NCIC, JIS, PRAWN, and JEB systems shall be required to review and sign CN 4403, Agreement to Protect Confidentiality of Computerized Criminal Record Data. The Unit Administrator or designee shall ensure that the employee reviews and signs CN 4403, Agreement to Protect Confidentiality of Computerized Criminal Record Data. The original CN 4403, Agreement to Protect Confidentiality of Computerized Criminal Record Data shall be forwarded to the facility personnel officer, who shall place the completed form in the employee's central personnel file. Use of these systems shall be in accordance with the policies and procedures of the parent agency.

5. Disclosure to an Inmate. The following guidelines shall be observed regarding the disclosure of information to an inmate. Any questions regarding the authorization to disclose particular information shall be forwarded to the Unit Administrator.
  - A. File Access. An inmate may view his/her own master file by submitting a request to the inmate's counselor. An inmate's attorney/attorney representative, upon providing satisfactory verification of identity to the appropriate staff member(s), may view the inmate's master file upon the inmate's submission of a signed CN 4402, Authorization for Release of Non-Health Information, to the Unit Administrator or designee. The inmate's master file shall be reviewed by a staff member for material that has been determined to be exempt from disclosure, in accordance with Section 5(B) below, prior to granting any request for access. Such material shall be temporarily removed from the file until the requested access is completed. Each Unit Administrator or designee shall determine a time and place during normal business hours where this review may take place and designate staff who shall remain in the area during the review and ensure that no material is removed from the inmate master file. The inmate or the inmate's attorney may view Criminal History Information, Current Offender Information, Inmate Personal Data, or Non-Conviction Information contained in the master file. This information may include mittimus, classification actions, program reports and evaluations, time sheets, disciplinary reports and work reports.
  - B. Withheld Material. The inmate shall not have access to any documents or reports which would breach a legally confidential relationship or could jeopardize the safety of the public, staff or any inmate, or could jeopardize the security or orderly operation of the facility, or for which disclosure is otherwise prohibited.
  - C. Copies. An inmate may receive copies of any disclosable information. Inmates receiving copies of disclosable information shall be charged fees in accordance with Administrative Directive 3.10, Fees, Reimbursements and Donations.
  - D. Health Information. All health-related information shall be included in Inmate Personal Data. An inmate request for release of such information shall be reviewed by the contracted health services provider and/or member of the DOC Health and Addiction Services Unit to determine if the information could jeopardize the safety and security of the individual, any other person or any correctional

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facility. If disclosure is refused, the contracted health services provider and/or member of the DOC Health and Addiction Services Unit shall inform the inmate of the reason for the refusal and the inmate's right to appeal the decision. The inmate may file an appeal in accordance with Administrative Directive 8.9, Health Services Review. Information may be withheld if giving the inmate the information may jeopardize the safety and security of the facility.

1. Third Party Health Records. The contracted health services provider shall ensure that an inmate request for a part of the health record that has been created by providers other than Department of Correction or its contracted health services provider is specified on the Authorization for Release of Information form.
  2. Inmates Under 18 Years of Age. Written authorization, signed by an authorized representative, shall be required for the release of the health record of an inmate under 18 years of age with the exception of Section 8(D) (3) below.
  3. Human Immunodeficiency Virus (HIV) Testing Information Regarding Inmates Under 18 Years of Age. An inmate, who is under the age of 18 years old, and has requested testing, examination or treatment for HIV and has requested that the inmate's parent or guardian not be informed, and the physician believes that the inmate would not submit to testing, examination or treatment if the parent or guardian were informed, and the physician has documented such in the health record, a minor shall have the right to authorize the release of only that personal health information which is related to testing for HIV infection or to the examination and/or treatment for HIV infection.
- E. Disclosure to Unit Administrator. The responsible contracted health services provider authority shall provide the Unit Administrator with relevant information concerning an inmate's medical and mental health management, security and ability to participate in programs. When an inmate suffers from a health condition that may result in a medical or mental health crisis, risk of disease transmission to another, or any other safety or security issue, the responsible contracted health services provider authority shall inform the Unit Administrator. The appropriate contracted health services provider authority may have access to confinement records if the contracted health services provider authority believes such information may be relevant to the inmate's health or course of treatment.
- F. Disclosure to Classification Personnel. Inmate health information provided by the contracted health services provider to classification personnel or classification systems shall be limited to only that information required to carry out the duties of the Offender Classification and Population Management Unit.
- G. Disclosure to the Commissioner. The Commissioner of the Department of Correction and the Commissioner's legal agency representatives, including the Office of the Attorney General, shall have access to all available records as necessary for the performance of the Commissioner's duties, including but not limited to the defense of the Department, in accordance with the Connecticut General Statutes.
- H. Disclosure to Legal Representatives. The Commissioner's legal agency representatives and advisors, including the Office of the Attorney General in representing and/or providing legal advice to the Commissioner, DOC employees, the Department of Correction and/or agents of the Department of Correction and any private counsel

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retained to represent and/or provide legal advice to the Commissioner, DOC employees, the Department of Correction and/or agents of the Department of Correction, shall have access to all available records as necessary for the performance of their duties in accordance with the Connecticut General Statutes.

- I. Additional Disclosure. Disclosure of HIV related information shall only be made as outlined in Administrative Directive 8.11, Human Immunodeficiency Virus Infection. CN 4401, Authorization to Obtain and/or Disclose Protected Health Information, shall contain the signature of the inmate or the inmate's authorized representative, and shall be required prior to disclosure of an inmate's specifically designated health information to a named person or institution by the contracted health services provider.
- J. Inmate Workers. An inmate shall not have any access to a health record except the inmate's own health record as outlined in this Directive. The contracted health services provider shall provide direct, close supervision of an inmate assigned to work in close proximity to health records.
- K. Corrections. An inmate believing that information recorded or maintained by the Department of Correction is in error, or illegally maintained, may request the Unit Administrator, in writing, to have that information corrected. The Unit Administrator should consult with the Director of Offender Classification and Population Management prior to making a decision. Upon a determination of the inmate's claim, the Unit Administrator shall either correct or leave untouched the inmate's information.

The Unit Administrator shall allow a person who believes that the agency maintains inaccurate or incomplete personal data concerning him/her to add a statement to the record setting forth what is believed 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. However, the original error may be corrected but shall not be erased. Information created by other departments or agencies and supplied to the Department of Correction, may only be corrected by the department or agency responsible for creating that information (e.g., the Office of Adult Probation, State Police, local police, Federal Bureau of Investigation, etc.).

- 6. Public Disclosure. The following guidelines shall be observed regarding the disclosure of information to the public. Any questions regarding the authorization to disclose particular information shall be forwarded to the Central Records Unit.
  - A. Offender Information. The public, including the media, shall be allowed to receive conviction information regarding any currently incarcerated person other than a Youthful Offender or an individual being held for the United States Department of Homeland Security (Immigration and Customs Enforcement). Offender information shall be provided as follows:
    - 1. For Offenders Currently Incarcerated/Supervised by DOC. Information regarding a currently incarcerated/supervised offender shall be disclosed upon request. When requested, the Department shall ONLY provide the following information about a currently incarcerated/supervised offender:

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- a. Name;
- b. Inmate number;
- c. Date of birth;
- d. Hometown;
- e. Status (Sentenced or Accused);
- f. Controlling Offense;
- g. Current location;
- h. Admission date;
- i. Correctional history;
- j. Disciplinary history;
- k. Sentencing date (if applicable);
- l. Minimum sentence (if applicable);
- m. Maximum sentence (if applicable);
- n. Minimum release date (if applicable);
- o. Maximum release date (if applicable);
- p. Estimated release date (if applicable);
- q. Detainer (if applicable); and/or,
- r. Inmate photo.

2. For Offenders Discharged from DOC. Conviction information of offenders discharged from DOC shall be released upon request. Other information regarding offenders who have discharged may be available through a Freedom of Information Act (FOIA) request. Such requests must be made to the DOC Freedom of Information Office.

B. Arrest Information. Requests for arrest information shall be referred to the Department of Emergency Services and Public Protection.

C. Additional Information. A request for any additional information shall be referred to the Unit Administrator who shall review and consult with the Department's Public Information Officer and if necessary the Office of the Attorney General to determine if that information may be released to the requestor and if the inmate's authorization is necessary. If necessary, an inmate may authorize the release of information utilizing CN 4402, Authorization for Release of Non-Health Information, which shall be maintained as a permanent part of the inmate's master file.

7. Disclosure to Other Criminal Justice Agencies. Criminal History Record Information, Current Offender Information, and Inmate Personal Data shall be made available to other criminal justice agencies in accordance with Sections 54-142g through 54-142r of the Connecticut General Statutes.

8. Disclosure to Non-Criminal Justice Government Agencies and Elected or Appointed Public Officials. An employee of Non-Criminal Justice government agencies and elected or appointed public officials may have access to any available information provided it does not violate any policy, regulation or law, and it does not jeopardize the safety of the public, staff or inmate or the security of the facility. Any staff member receiving a request for inmate information from one of these sources must report that request to the Unit Administrator as per Administrative Directive 1.4, Cooperation with Community and Government Organizations. This shall include the Office of the Attorney General when not engaged in the representation of the Commissioner, DOC employees, the Department of Correction and/or agents of the Department of Correction.

9. Disclosure for Research. Any inmate information except Non-Conviction Information, Intelligence Information and Investigation Information, can

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be made available to qualified persons and organizations for research, evaluative and statistical purposes. Such persons or organizations shall be granted access under the provisions of Administrative Directive 1.7, Research. Non-conviction information may be disclosed to persons/agencies not otherwise authorized for the purpose of research, evaluation or statistical analysis pursuant to written agreement between the Department and the person/agency requesting disclosure in accordance with Section 54-142m of the Connecticut General Statutes. Whenever such information is made available, the identification component of the information shall be deleted.

10. Security.

- A. Manually Stored Information. Access to manually stored information shall be restricted in accordance with Section 4 of this Directive. All such information shall be secured in a room designated for that purpose. Only staff authorized by the Unit Administrator shall be allowed access to that designated area.
- B. Computer Terminals. All computer terminals providing any inmate information, and associated peripherals, such as a printer, shall be maintained in a secure area. Only Department employees, other authorized criminal justice agency employees, and authorized volunteers trained in the operation of the appropriate equipment may have access to and use these systems. No inmate shall be allowed to use any computer terminal providing access to inmate information.
- C. Use of Passwords. A password or other security procedures to limit access to persons on a need to know basis shall be used to protect information.

11. Audits. The Offender Classification and Population Management unit shall conduct periodic audits of collected information by checking manual or computer entries to make certain that provided information is both accurate and complete.

12. Training. Whenever an employee is hired or promoted into a position which allows direct access to any restricted inmate information, the Unit Administrator or designee shall train the employee in the various categories of information the employee is required to access.

13. Fees. The Department may recover the reasonable costs of providing copies of information in accordance with Administrative Directive 3.10, Fees, Reimbursements and Donations.

14. Forms and Attachments. The following forms are applicable to this Administrative Directive and shall be utilized for the intended function:

- A. CN 4401, Authorization to Obtain and/or Disclose Protected Health Information;
- B. CN 4402, Authorization for Release of Non-Health Information; and,
- C. CN 4403, Agreement to Protect Confidentiality of Computerized Criminal Record Data.

15. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.