

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Agency

Secretary of the State

Subject

Description of Organization

Inclusive Sections

§§ 3-77-1—3-77-24

CONTENTS

Introduction

Part 1

- Sec. 3-77-1. Creation and authority
- Sec. 3-77-2. Basic organization

Part 2

Public Information

- Sec. 3-77-3. Official address
- Sec. 3-77-4. Location of principal office
- Sec. 3-77-5. Public inspection
- Sec. 3-77-6. Request for information

Part 3

Courses and Methods of Operation

- Sec. 3-77-7. Management & support services division
- Sec. 3-77-8. Records & legislative services division
- Sec. 3-77-9. Commercial recording division
- Sec. 3-77-10. Elections services division

Rules of Practice

- Sec. 3-77-11. Application and construction
- Sec. 3-77-12. Definitions
- Sec. 3-77-13. Contested cases
- Sec. 3-77-14. Conduct of adjudicative hearings in contested cases
- Sec. 3-77-15. Transcript of the proceedings
- Sec. 3-77-16. Informal disposition in contested cases
- Sec. 3-77-17. The record in contested cases and findings of fact
- Sec. 3-77-18. Proposal for decision
- Sec. 3-77-19. Final decision in a contested case

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

- Sec. 3-77-20. Matters involving licenses
- Sec. 3-77-21. Petition requesting the promulgation, amendment or repeal of regulations
- Sec. 3-77-22. Petition for declaratory ruling
- Sec. 3-77-23. Advisory opinions

Personal Data

- Sec. 3-77-24. Personal data

Description of Organization

Introduction

Part 1

Sec. 3-77-1. Creation and authority

The Secretary of the State was established following the adoption of the Fundamental Orders of Connecticut in 1638. The Secretary of the State has a constitutional mandate and over fifty statutory mandates.

(Effective September 26, 1988)

Sec. 3-77-2. Basic organization

(a) The office of the Secretary of the State is basically composed of the following divisions: Management & Support Services; Records & Legislative Services; Commercial Recording; and Elections Services. The areas of responsibility of each of the divisions are as follows:

(1) The Management & Support Services Division performs budget, personnel, payroll, accounting, training, publication, distribution and sales, and revenue related activities for the Office of the Secretary of the State.

(2) The Records & Legislative Services Division serves as the repository for all public acts, resolutions, special acts, administrative regulations, notary public registrations and annual meeting schedules of state agencies. The Division also publishes and distributes the state Register and Manual, and the Connecticut General Statutes; performs records management activities, and issues certificates of good standing for corporations.

(3) The Commercial Recording Division determines statutory compliance and files all stock and nonstock corporate certificates, limited partnership certificates, Uniform Commercial Code Liens, and trade and servicemark registrations. The Division serves as the agent for service of process for corporations, partnerships and out-of-State individuals. The Division responds to inquiries concerning corporations, limited partnerships, trademark registrations and UCC liens, prepares certified copies of recorded documents, and issues certificates of good standing for corporations.

(4) The Elections Services Division administers state constitutional and statutory provisions relating to elections, primaries, nominating procedures, and voter registration and enrollment.

(b) Pursuant to Conn. Gen. Stat. Sec. 20-279, the State Board of Accountancy is within the office of the Secretary of the State.

(Effective September 26, 1988)

Part 2

Public Information

Sec. 3-77-3. Official address

All communications should be addressed to the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106, unless otherwise specifically indicated.

(Effective September 26, 1988)

Sec. 3-77-4. Location of principal office

The principal office of the Secretary of the State is located at 30 Trinity Street, Hartford, Connecticut 06106. Normal business hours are from 8:30 to 4:30 daily, except Saturdays, Sundays and holidays. In person requests for information and inspection of documents filed in the Commercial Recording Division may only be made between the hours of 10:00 a.m. and 2:55 p.m.

(Effective September 26, 1988)

Sec. 3-77-5. Public inspection

In addition to publication of regulations adopted, amended or repealed as required by chapter 54 of the General Statutes as amended, a compilation of all regulations, policy statements, final orders, decisions, minutes, opinions, and forms and instructions used by the various divisions of the office of the Secretary of the State, as well as annual schedules of regular meetings of public agencies, notice of and minutes of special meetings of public agencies, and agendas of regular meetings of public agencies that have no regular office or place of business, are available for public inspection at the principal office during normal business hours.

(Effective September 26, 1988)

Sec. 3-77-6. Request for information

(a) Requests for information should be directed to the appropriate division at the principal office. When the appropriate division is not known or when information is requested concerning overall office matters, requests should be directed to the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106.

(b) There is no prescribed form for requests for information directed to the Management & Support Services, Records & Legislative Services, or Election Services Divisions. Requests should be sufficiently specific to permit easy identification of the information requested, and may be made in writing, in person, or by telephone.

(c) Requests for information concerning Uniform Commercial Code liens must be made on a form prescribed by the Commercial Recording Division. Requests for information concerning corporations, trademarks, or limited partnerships may be made on forms

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-9

prescribed by the Commercial Recording Division, or may be made in person or by letter.

(Effective September 26, 1988)

Part 3

Courses and Methods of Operation

Sec. 3-77-7. Management & support services division

The Management & Support Services Division:

- (a) Carries out agency policy and coordinates general management of the agency.
- (b) Performs budget, personnel, payroll, accounting, training, publications, distributions and sales, statewide planning, and revenue related activities.
- (c) Performs such other functions and duties as required.

(Effective September 26, 1988)

Sec. 3-77-8. Records & legislative services division

The Records & Legislative Services Division:

- (a) Transmits to the Governor all public and special acts passed by the General Assembly.
- (b) Indexes and files all public and special acts, administrative regulations and resolutions enacted.
- (c) Reviews all applications for appointments of notaries and issues and records certificates of notary appointments, as well as registrations and renewals of notary appointments.
- (d) Compiles, edits and supervises publication of the State Register and Manual, Corporation Laws, the Statement of Vote, the Constitution of Connecticut, and various brochures concerning the state's history and government.
- (e) Publishes and distributes the Connecticut General Statutes and the Public and Special Acts.
- (f) Authenticates documents of record, prepares certified copies of all documents of record, and prepares certificates of good standing for domestic and foreign corporations whose last-due annual or biennial report has been filed. Certifications are also prepared attesting to the appointment of notaries public and state officials; and also certifies writs of extradition.
- (g) Performs records management activities.
- (h) Compiles and receives schedules of regular meetings of public agencies, notices of and minutes of special meetings of public agencies, and agendas of regular meetings of public agencies with no regular office or place of business.
- (i) Performs such other functions and duties as required.

(Effective September 26, 1988)

Sec. 3-77-9. Commercial recording division

The Commercial Recording Division:

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

§3-77-10

Secretary of the State

(a) Reviews all certificates submitted by Connecticut and foreign corporations and limited partnerships for statutory compliance, and accepts or rejects same; and if accepted, records said certificates.

(b) Reviews, accepts or rejects annual/biennial reports of all corporations doing business in the State of Connecticut; and if accepted, records said reports.

(c) Reviews, accepts or rejects, and if accepted, records, certificates of compliance by public utility companies, business trusts, railroad mortgages; appointments of the Secretary of the State as agent for service for out-of-state real estate, circuses, amusements, and shows; and appointment of attorneys under Wills.

(d) Accepts service of process for corporations, partnerships and out-of-state individuals.

(e) Pursuant to Article 9 of the Uniform Commercial Code accepts for filing financing statements, and statements of continuation, amendment, partial release and termination.

(f) Answers oral and written inquiries as to the identity and addresses of officers, directors and statutory agents of domestic and foreign corporations, and as to the location and legal status of corporations.

(g) Receives and reviews applications for trade and servicemark registration; searches agency records for any conflict with previously registered trade and servicemarks; and accepts or rejects said applications.

(h) Performs such other functions and duties as required.

(Effective September 26, 1988)

Sec. 3-77-10. Elections services division

The Elections Services Division:

(a) Resolves questions of statutory interpretation involving State election and primary law; provides general advice to local officials in matters concerning home rule, charter revision, and local referenda.

(b) Prescribes the content of all election and primary forms, prints and distributes absentee ballot envelopes and instructions to municipalities.

(c) Verifies each municipality's printed absentee and sample ballots for accuracy and, where serious errors exist, orders the reprinting of such materials.

(d) Educates and trains registrars of voters and municipal clerks by conducting schools, convening conferences and distributing educational information.

(e) Coordinates elections and primaries by counting petition signatures; providing Town Clerks and the general public with the official lists of candidates to be printed on the ballot; tabulating, certifying, and distributing the official vote totals.

(f) Receives, reviews, records and maintains campaign financing files.

(g) Performs such other functions and duties as required.

(Effective September 26, 1988)

Rules of Practice

Sec. 3-77-11. Application and construction

The rules herein govern practice and procedure before the Secretary of the State except where otherwise provided by law.

(Effective September 26, 1988)

Sec. 3-77-12. Definitions

The definitions provided by Conn. Gen. Stat. Sec. 4-166 shall govern the interpretation and application of these rules, unless the context otherwise requires.

(Effective September 26, 1988)

Sec. 3-77-13. Contested cases

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice in a contested case shall include: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and/or regulations involved; (4) a short and plain statement of the matters asserted; (5) a statement that each respondent may, if he desires, be represented by an attorney.

(c) If a respondent can reasonably show a need for additional time to prepare a defense to the alleged violations of law, an extension of time may be granted by moving the scheduled hearing to a later date. The granting of such a request is within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(d) If a respondent can reasonably show that the complaint is unclear or ambiguous as to the nature of the acts in violation of the law, he may file with the agency a written motion for a more detailed statement of the nature of the charges against him. The granting or denial of such a motion is within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(e) Appearances, Admissions and Denials, Answers, Motions and any other pleading which a Respondent wishes considered by the Secretary of the State prior to the convening of a contested case proceeding may be filed up to seven days prior to the hearing date. Failure to file any pleadings may allow the matter to proceed. However, if a Respondent can reasonably show a need for additional time to submit pleadings, an extension of time may be granted. The granting of such a request is within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(Effective September 26, 1988)

Sec. 3-77-14. Conduct of adjudicative hearings in contested cases

(a) Hearings in contested cases shall be public and shall be presided over by the Secretary of the State or his designated presiding officer.

(b) Said Secretary of the State or presiding officer shall have the power to:

(1) Regulate the course of the hearing and the conduct of the parties and their counsel therein;

(2) Ensure that all testimony is given under oath;

(3) Rule upon offers of proof and to receive evidence;

(4) Consider and rule upon all motions; and

(5) Require any additional written and/or oral argument.

(c) Each party in an adjudicative hearing shall have the right to present evidence, cross examine witnesses, enter motions and objections, and assert all other rights essential to a fair hearing.

(d) Intervention by interested persons as a party shall be permitted in any contested case as provided by applicable statute, or may otherwise be permitted within the discretion of the Secretary of the State or presiding officer.

(e) All adjudicative hearings in contested cases shall be recorded and shall be conducted in accordance with the provisions of chapter 54 of the General Statutes.

(Effective September 26, 1988)

Sec. 3-77-15. Transcript of the proceedings

(a) At the close of the reception of evidence, the respondent or any other party of record may file a written request addressed to the presiding officer for a written transcript of the proceedings. If no such written request is filed, the Secretary of the State or presiding officer may order that a written transcript be prepared.

(b) If any party of record desires a copy of the transcript, it will be made available to him upon written request and the tendering of the appropriate cost.

(Effective September 26, 1988)

Sec. 3-77-16. Informal disposition in contested cases

Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default upon order of the Secretary of State.

(Effective September 26, 1988)

Sec. 3-77-17. The record in contested cases and findings of fact

(a) The record in a contested case shall include:

(1) All motions, pleadings and intermediate rulings;

(2) The evidence received or considered;

(3) Questions and offers of proof, objections and rulings thereon;

(4) The decision, opinion, or report by the officer presiding at the hearing or the Secretary of the State.

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-20

(b) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(Effective September 26, 1988)

Sec. 3-77-18. Proposal for decision

When in a contested case the Secretary of State has not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the office of the Secretary of the State, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the Secretary of the State. The proposal for decision shall contain a statement of the reasons therefor, and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

(Effective September 26, 1988)

Sec. 3-77-19. Final decision in a contested case

(a) The final decision or order in a contested case shall be rendered by the Secretary of the State after due consideration of the entire record. If no written request was filed for the preparation of a transcript, a final decision may be rendered at any time following the close of the hearing. If a transcript was requested in writing, the final decision may be rendered within a reasonable time following preparation of the transcript.

(b) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record.

(c) Parties shall be notified either personally or by mail of any decision or order. A copy of the text of the final decision or order shall be sent by mail to each of the respondents and respondent's counsel, and to any other party of record.

(Effective September 26, 1988)

Sec. 3-77-20. Matters involving licenses

(a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of these regulations concerning contested cases apply.

(b) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(c) If the Secretary of the State finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(d) Any application for a license or renewal of license shall include, unless otherwise

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

§3-77-21

Secretary of the State

provided by statute or regulation promulgated by the office of the Secretary of the State: (1) the name and address of the applicant, and (2) any other information which the office of the Secretary of the State may require. Applications shall be addressed to the appropriate division of the office of the Secretary of the State and shall be sent by mail or delivered during normal business hours to him in such quantity as he may require.

(Effective September 26, 1988)

Sec. 3-77-21. Petition requesting the promulgation, amendment or repeal of regulations

(a) Any interested person may at any time petition the Secretary of the State requesting the promulgation, amendment or repeal of a regulation.

(b) The petition shall be in writing and hand delivered or submitted by mail to the Secretary of the State during normal business hours. In addition, the petition shall set forth clearly and concisely the text of the proposed regulation or amendment or the provisions sought to be repealed. The petition shall also state the facts and arguments on which the petitioner relies either in the petition or in a brief annexed thereto.

(c) The petition shall be signed by the petitioner or the petitioner's attorney of record, if any.

(d) The petition shall include the name, address, and telephone number of the petitioner or the petitioner's attorney to whom all correspondence and/or communications in regard to the petition shall be addressed.

(e) Upon receipt of the petition, the Secretary of State shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(f) If the Secretary of the State denies the petition, the Secretary of the State shall give the petitioner, or petitioner's attorney, notice in writing, stating the reasons for the denial.

(Effective September 26, 1988)

Sec. 3-77-22. Petition for declaratory ruling

(a) These rules set forth the procedure to be followed by the Secretary of the State in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the Secretary of the State.

(b) Any interested person may at any time request a declaratory ruling from the Secretary of the State with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the Secretary of the State. Such request shall be in writing, signed by the petitioner or petitioner's attorney, and submitted by mail or hand delivered during normal business hours to the office of the Secretary of the State. In addition, such a request shall:

- (1) state clearly and concisely the substance and nature of the request;
- (2) identify the statute, regulation or order concerning which the inquiry is made;
- (3) identify the particular aspect thereof to which the inquiry is directed. The request for

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-24

a declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry; and

(4) include the name, address, and telephone number of the petitioner or the petitioner's attorney to whom all correspondence and/or communications in regard to the petition shall be addressed.

(c) The Secretary of the State may give notice to any person that such a declaratory ruling has been requested, and may receive and consider data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(d) The Secretary of the State may conduct a hearing pursuant to Conn. Gen. Stat. Sec. 4-177 and Sec. 4-178 for the purpose of finding facts as the basis for a declaratory ruling. The Secretary of the State shall give notice of such hearing as shall be appropriate. The provisions of sections 3-77-14 through and including 3-77-19 of these regulations shall apply to such hearings.

(e) If the Secretary of the State determines that a declaratory ruling will not be rendered, the Secretary of the State shall within thirty (30) days, after receipt of the petition notify the person so inquiring that the request has been denied. If the Secretary of the State renders a declaratory ruling, a copy of the ruling shall be sent to the petitioner and to the petitioner's attorney, if any, and to any other person who has filed a written request for a copy with the Secretary of the State.

(Effective September 26, 1988)

Sec. 3-77-23. Advisory opinions

The Secretary of the State may give, at his sole discretion, advisory opinions pursuant to Conn. Gen. Stat. Sec. 9-3.

(Effective September 26, 1988)

Personal Data

Sec. 3-77-24. Personal data

(a) Definitions.

(1) The following definitions shall apply to these regulations:

(A) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Conn. Gen. Stat. § 4-190 (9).

(B) "Other Data" means any information which because of name, identification number, mark or description can be readily associated with a particular person.

(2) Terms defined in Conn. Gen. Stat. § 4-190 shall apply to these regulations.

(b) General nature and purpose of personal data systems.

(1) The office of the Secretary of the State maintains the following personal data system:

(A) Personnel Records.

(i) All personnel records are maintained at the office of the Secretary of the State, Management & Support Services Division, 30 Trinity Street, Hartford, Connecticut 06106.

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

§3-77-24

Secretary of the State

- (ii) Personnel records are maintained in both automated and manual form.
- (iii) Personnel records are maintained for the purposes of providing a history of payroll, promotion, discipline and related personnel information concerning employees of the office of the Secretary of the State.
- (iv) Personnel records are the responsibility of the Administrator of the Management & Support Services Division, whose business address is Office of the Secretary of the State, Management & Support Services Division, 30 Trinity Street, Hartford, Connecticut 06106. All requests for disclosure or amendment of these records should be directed to the Administrator of the Management & Support Services Division.
- (v) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.
- (vi) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Stat. § 5-193 et. seq.
- (B) Notary Public Appointment Records.
 - (i) Notary Public appointment records are the responsibility of the Administrator of the Records & Legislative Services Division, 30 Trinity Street, Hartford, Connecticut 06106.
 - (ii) Notary Public appointment records are maintained in both automated and manual form.
 - (iii) Notary Public appointment records are maintained for the purposes of determining the qualifications of notary public applicants and the continued suitability of appointees applying for renewal of their appointments.
 - (iv) All requests for disclosure or amendment of Notary Public appointment records should be directed to the Administrator of the Records & Legislative Services Division, 30 Trinity Street, Hartford, Connecticut 06106.
 - (v) Routine sources of information retained in appointment records include applicants for appointment, personal and professional references provided by applicants and town clerk's recommendations.
 - (vi) Personal data in Notary Public appointment records are collected, maintained and used under authority of Conn. Gen. Stat. § 3-91.
- (C) Waivers of Disclosure of Personal Residence by Directors and Officers of Corporations.
 - (i) Waivers of disclosure of personal residence by directors and officers of corporations are maintained with the Commercial Recording Division, Office of the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106.
 - (ii) Waivers of disclosure of personal residence by directors and officers of corporations are maintained in manual form.
 - (iii) Waivers of disclosure of personal residence by directors and officers of corporations are maintained to protect the personal security of public figures.
 - (iv) Waivers of disclosure of personal residence by directors and officers of corporations

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-24

are maintained by the Administrator of the Commercial Recording Division, Office of the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106. All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in waivers of disclosure of personal residence by directors and officers of corporations include directors and officers.

(vi) Personal data in waivers of disclosure of personal residence by directors and officers of corporations are collected, maintained and used under authority of Conn. Gen. Stat. § 33-298, § 33-406, § 33-435, and § 33-514.

(c) **Categories of personal data.**

(1) Personnel Records.

(A) The following categories of personal data are maintained in personnel records:

(i) Educational records.

(ii) Medical or emotional condition or history.

(iii) Employment records.

(iv) Marital status.

(v) Other reference records.

(B) The following categories of other data may be maintained in personnel records:

(i) Addresses.

(ii) Telephone numbers.

(C) Personnel records are maintained on employees of the office of the Secretary of the State and applicants for employment with the office of the Secretary of the State.

(2) Notary Public appointment records.

(A) The following categories of personal data may be maintained in Notary Public appointment records:

(i) Employment or business history.

(ii) Criminal records.

(iii) Personal and professional references.

(iv) Town Clerk's recommendations.

(B) The following categories of other data may be maintained in Notary Public appointment records:

(i) Addresses.

(ii) Telephone numbers.

(iii) Renewal records.

(C) Notary Public appointment records are maintained on appointed Notary Publics and applicants for appointment.

(3) Waivers of disclosure of personal residence by directors and officers of corporations.

(A) The following categories of personal data are maintained in records of waivers of disclosure of personal residence by directors and officers of corporations:

(i) Finances.

(ii) Personal relationships.

(iii) Reputation or public status.

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

§3-77-24

Secretary of the State

(iv) Personal residence address.

(v) Employment history.

(B) The following categories of other data may be maintained in records of waivers of disclosure of personal residence by directors and officers of corporations:

(i) Telephone numbers.

(C) Records of waivers of disclosure of personal residence by directors and officers of corporations are maintained on directors and officers of foreign and domestic corporations seeking or holding waivers of disclosure of personal residence.

(d) **Maintenance of personal data—general.**

(1) Personnel data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the office of the Secretary of the State. Where the office finds irrelevant or unnecessary public records in its possession, the office shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator in accordance with the provisions of Conn. Gen. Stat. § 11-8a, or if the records are not disposable under the records retentions schedule, request permission from the Public Records Administrator to dispose of the records under Conn. Gen. Stat. § 11-8a.

(2) The office of the Secretary of the State will collect and maintain all records with accurateness and completeness.

(3) Insofar as it is consistent with the needs and mission of the office, wherever practical, the office shall collect personal data directly from the persons to whom a record pertains.

(4) Employees of the office of the Secretary of the State involved in the operations of the office's personal data systems will be informed of the provisions of the (A) Personal Data Act, (B) the office's regulations adopted pursuant to Conn. Gen. Stat. § 4-196, (C) the Freedom of Information Act, and (D) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(5) All employees of the office of the Secretary of the State shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The office of the Secretary of the State shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the office or on its behalf.

(7) The office of the Secretary of the State shall have an independent obligation to insure that personal data requested from any other state agency is properly maintained.

(8) Only office employees of the Secretary of the State who have a specific need or legal authority to review personal data records for lawful purposes of the agency will be entitled to access to such records under the Personal Data Act.

(9) The office of the Secretary of the State will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The office of the Secretary of the State will insure against unnecessary duplication

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-24

of personal data records. In the event it is necessary to send personal data records through interdepartment mail, such records will be sent in envelopes or boxes sealed and marked “personal and confidential.”

(11) The office of the Secretary of the State will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(e) Maintenance of personal data—automated systems.

(1) To the greatest extent practical, automated equipment and records pertaining to personal data shall be located in a limited access area.

(2) To the greatest extent practical, the office of the Secretary of the State shall require visitors to such limited access area to sign a visitor’s log and permit access to said area on a bonafide need-to-enter basis only.

(3) To the greatest extent practical, the office of the Secretary of the State will insure that regular access to automated equipment pertaining to personal data is limited to operations personnel.

(4) The office of the Secretary of the State shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(f) Maintenance of personal data—disclosure.

(1) Within four business days of receipt of a written request therefor, the office shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the office maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or specifically permitted by law, the office of the Secretary of the State shall disclose to any person upon written request all personal data concerning that individual which is maintained by the office. The procedures for disclosure shall be in accordance with Conn. Gen. Stat. § 1-15 through § 1-21k. If the personal data is maintained in coded form, the office shall transcribe the data into a commonly understandable form before disclosure.

(3) The office of the Secretary of the State is responsible for verifying the identity of any person requesting access to his/her own personal data.

(4) The office is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) The office of the Secretary of the State may refuse to disclose to a person medical, psychiatric or psychological data on that person if the office determines that such disclosure would be detrimental to that person.

(6) In any case where the office of the Secretary of the State refuses disclosure, it shall advise the person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the office refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

§3-77-24

Secretary of the State

nondisclosure is not mandated by law, the office shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's records to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the office shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the office shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The office of the Secretary of the State shall maintain a complete log of each person, individual, agency or organization who has obtained access to, or to whom disclosure has been made of personal data, under the Personal Data Act, together with the reason for each such disclosure or access. This log shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(g) Contesting the content of personal data records.

(1) Any person who believes that the office is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the office for correction of said personal data.

(2) Within 30 days of receipt of such request, the office shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the office shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/ her personal data records.

(3) Following such denial by the office, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the office's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(h) Uses to be made of the personal data.

(1) Personnel Records.

(A) Employees of the office of the Secretary of the State who are assigned personnel and payroll responsibilities use the personal data contained in the office's personnel records in processing promotions, reclassifications, transfers to another agency, retirement and other personnel actions. Managers and supervisors use the personal data when promotion, career counseling, or disciplinary action against such employee is contemplated, and for other employment-related purposes.

(B) Personnel records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. § 11-8a, a copy of which is available from the Management & Support Services Division.

(2) Notary Public Appointment Records.

(A) Notary Public appointment records are used to determine the qualifications of applicants for appointment as notary public and the continued qualification of appointees.

Regulations of Connecticut State Agencies

TITLE 3. State Elective Officers

Secretary of the State

§3-77-24

Users include all employees of the Records & Legislative Services Division of the office of the Secretary of the State, and others where permitted or required by law.

(B) Notary Public appointment records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. § 11-8a, a copy of which is available from the Records & Legislative Services Division.

(3) Waiver of disclosure of Personal Residence by Directors and Officers of Corporations.

(A) Records of waiver of disclosure of personal residence by directors and officers of corporations are maintained to protect the personal security of public figures. Users include the Administrator of the Commercial Recording Division or his designee.

(B) Records of waiver of disclosure of personal residence by directors and officers of corporations are retained permanently.

(4) When an individual is asked to supply personal data to the office of the Secretary of the State, the office shall disclose to that individual, upon request, the name of the agency which is requesting the data, the legal authority under which the agency is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and the agency's regulations, the known consequences arising from supplying or refusing to supply the requested personal data, and the proposed use to be made of the requested personal data.

(Effective March 23, 1989)