

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1082

H.P. 817

House of Representatives, March 15, 2011

### **An Act Concerning the Protection of Personal Information in Communications with Elected Officials**

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Reported by Representative NASS of Acton for the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §402, sub-§3, ¶C-1** is enacted to read:

3 C-1. Information contained in a communication between a constituent and an elected  
4 official if the information:

5 (1) Is of a personal nature, consisting of:

6 (a) An individual's medical information of any kind, including information  
7 pertaining to diagnosis or treatment of mental or emotional disorders;

8 (b) Credit or financial information;

9 (c) Information pertaining to the personal history, general character or  
10 conduct of the constituent or any member of the constituent's immediate  
11 family;

12 (d) Complaints, charges of misconduct, replies to complaints or charges of  
13 misconduct or memoranda or other materials pertaining to disciplinary  
14 action; or

15 (e) An individual's social security number; or

16 (2) Would be confidential if it were in the possession of another public agency or  
17 official;

18 **SUMMARY**

19 This bill consists of the recommendations of the majority of the members of the  
20 legislative subcommittee of the Right to Know Advisory Committee in response to  
21 Resolve 2009, chapter 184.

22 This bill amends the definition of "public record" in the freedom of access laws to  
23 provide that certain information in communications between constituents and elected  
24 officials is not a public record. Specifically, information is not a public record if the  
25 information would be confidential if it were in the possession of another public agency or  
26 official or if the information is of a personal nature. Information of a personal nature  
27 consists of:

28 1. An individual's medical information of any kind, including information pertaining  
29 to diagnosis or treatment of mental or emotional disorders;

30 2. Credit or financial information;

31 3. Information pertaining to the personal history, general character or conduct of the  
32 constituent or any member of the constituent's immediate family;

33 4. Complaints, charges of misconduct, replies to complaints or charges of  
34 misconduct or memoranda or other materials pertaining to disciplinary action; or

35 5. An individual's social security number.