

Trans. by S.L. 484

Fair Information Practices
Meaning of Terms in This Chapter

Chapter 101
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Rev. 4/79

SECTION

101.000

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101.010: Meaning of Terms

As used in Chapters 100 through 108 unless the context otherwise requires, the following terms shall have the following meanings.

101.020: Department of Transitional Assistance

Hereafter, the Department of Transitional Assistance will be referred to only as "department".

101.030: Data Subject

"Data subject" means an individual to whom personal data refers.

101.040: Holder

"Holder", an agency which collects, uses, maintains or disseminates personal data or any person or entity which contracts or has an arrangement with an agency whereby it holds personal data as part of or as a result of performing a governmental or public function or purpose. A holder which is not any agency is a holder only with respect to personal data so held under contract or arrangement with any agency.

101.050: Holds

"Holds" means collects, maintains, or disseminates, whether manually, or electronically.

101.060: Personal Data

"Personal data" means any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual; provided, however, that such information is not contained in a public record as defined in § 101.090. "Personal data" shall not include intelligence information, evaluative information or criminal offender record information as defined in G.L. c. 6, § 167.

101.070: Personal Data System

"Personal data system" means a system of records containing personal data, which system is organized such that the data are retrievable by use of the identity of the data subject.

101.080: Personal Identifier

"Personal Identifier" means any element of data which may be used to fix a person's identity either by itself or when combined with other data accessible to the holder of such data and which may include, but is not necessarily limited to: name, address, social security number, date of birth, race, zip code, mother's given name, mother's maiden name, or any part of the mother's given or maiden name.

101.090: Public Records

"Public records" means all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, unless such materials or data fall within the following exemptions in that they are:

- (A) specifically or by necessary implication exempted from disclosure by status;
- (B) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;
- (C) personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;
- (D) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subparagraph shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;
- (E) notebooks and other materials prepared by an employee of the Commonwealth which are personal to him and not maintained as part of the files of the governmental units;
- (F) investigatory materials necessarily compiled out of public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;

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- (G) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subparagraph shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit;
- (H) proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with, or to award a contract to, a particular person.
- (I) appraisals of real property acquired or to be acquired until (1) a final agreement is entered into; or (2) any litigation relative to such appraisal has been terminated; or (3) the time within which to commence such litigation has expired.