

PRIVACY OF FINANCIAL INFORMATION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

AN ACT RELATING TO JUDICIAL CODE; AMENDING AGENCIES EXEMPTED FROM CERTAIN REQUIREMENTS RELATED TO EXAMINATION OF RECORDS; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-27-50, as last amended by Chapter 184, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-27-50** is amended to read:

78-27-50. Financial information privacy -- Inapplicable to certain official investigations.

(1) Sections 78-27-45 through 78-27-47 do not apply when an examination of records is a part of an official investigation by:

- (a) [a] local police;
- (b) a sheriff;
- (c) a peace officer;
- (d) a city attorney;
- (e) a county attorney;
- (f) a district attorney;
- (g) the attorney general;
- (h) the Department of Public Safety;
- (i) the Office of Recovery Services of the Department of Human Services;
- (j) the Insurance Department;
- (k) the Department of Commerce; [or]
- (l) the state auditor[-]; or
- (m) the State Tax Commission.

(2) Except for the Office of Recovery Services, if a governmental entity listed in Subsection (1) seeks a record, the entity shall obtain the record as follows:

(a) if the record is a nonprotected record, by request in writing that:

(i) certifies that an official investigation is being conducted; and

(ii) is signed by a representative of the governmental entity that is conducting the official investigation; or

(b) if the record is a protected record, by obtaining:

(i) a subpoena authorized by statute; or

(ii) other legal process:

(A) ordered by a court of competent jurisdiction; and

(B) served upon the financial institution.

(3) If the Office of Recovery Services seeks a record, it shall obtain the record pursuant to:

(a) Subsection 62A-11-104(8);

(b) Section 62A-11-304.1;

(c) Section 62A-11-304.5; or

(d) Title IV, Part D of the Social Security Act as codified in 42 U.S.C. 651 et seq.

(4) A financial institution may not give notice to any person named or referenced within the record disclosed pursuant to Subsection (2)(a).

(5) In accordance with Section 78-27-48, the agency conducting the official investigation that obtains a record from a financial institution under this section shall reimburse the financial institution for costs reasonably and directly incurred by the financial institution.