

1 **PRIVACY OF FINANCIAL INFORMATION**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Karen Hale**

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

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

9 AMENDS:

10 **78-27-50**, as last amended by Chapter 184, Laws of Utah 1999

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

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

13 **78-27-50. Financial information privacy -- Inapplicable to certain official**
14 **investigations.**

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

17 (a) [a] local police;

18 (b) a sheriff;

19 (c) a peace officer;

20 (d) a city attorney;

21 (e) a county attorney;

22 (f) a district attorney;

23 (g) the attorney general;

24 (h) the Department of Public Safety;

25 (i) the Office of Recovery Services of the Department of Human Services;

26 (j) the Insurance Department;

27 (k) the Department of Commerce; [or]

- 28 (l) the state auditor[-]; or
- 29 (m) the State Tax Commission.
- 30 (2) Except for the Office of Recovery Services, if a governmental entity listed in
- 31 Subsection (1) seeks a record, the entity shall obtain the record as follows:
- 32 (a) if the record is a nonprotected record, by request in writing that:
- 33 (i) certifies that an official investigation is being conducted; and
- 34 (ii) is signed by a representative of the governmental entity that is conducting the official
- 35 investigation; or
- 36 (b) if the record is a protected record, by obtaining:
- 37 (i) a subpoena authorized by statute; or
- 38 (ii) other legal process:
- 39 (A) ordered by a court of competent jurisdiction; and
- 40 (B) served upon the financial institution.
- 41 (3) If the Office of Recovery Services seeks a record, it shall obtain the record pursuant
- 42 to:
- 43 (a) Subsection 62A-11-104(8);
- 44 (b) Section 62A-11-304.1;
- 45 (c) Section 62A-11-304.5; or
- 46 (d) Title IV, Part D of the Social Security Act as codified in 42 U.S.C. 651 et seq.
- 47 (4) A financial institution may not give notice to any person named or referenced within
- 48 the record disclosed pursuant to Subsection (2)(a).
- 49 (5) In accordance with Section 78-27-48, the agency conducting the official investigation
- 50 that obtains a record from a financial institution under this section shall reimburse the financial
- 51 institution for costs reasonably and directly incurred by the financial institution.

Legislative Review Note
as of 1-5-00 9:54 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel