

PARENTAL NOTIFICATION RELATED TO STUDENT

SAFETY

2013 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill requires parental notification of certain safety threats to a parent's student.

Highlighted Provisions:

This bill:

- 29 ▶ requires a school to notify a parent:
- 30 • if the parent's student threatens to commit suicide; or
- 31 • of an incident of bullying, cyber-bullying, harassment, hazing, or retaliation
- 32 involving the parent's student;
- 33 ▶ requires a school to produce and maintain a record that verifies that a parent was
- 34 notified of certain incidents or threats;
- 35 ▶ requires a school board to adopt a policy regarding the process for:
- 36 • notifying a parent of certain incidents or threats; and
- 37 • producing and retaining a record that verifies that a parent was notified of
- 38 certain incidents or threats;
- 39 ▶ provides that a record verifying that a parent was notified of certain incidents or
- 40 threats:
- 41 • is a private record for purposes of the Government Records Access and
- 42 Management Act; and
- 43 • may not be used by the school for the school's own purposes;
- 44 ▶ requires a local school board or charter school governing board to update the school
- 45 board's policies regarding bullying, cyber-bullying, harassment, hazing, and
- 46 retaliation by September 1, 2013, to include procedures for parental notification;
- 47 and
- 48 ▶ requires the State Board of Education to update the board's model policy on
- 49 bullying, cyber-bullying, harassment, hazing, and retaliation.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 None

54 **Utah Code Sections Affected:**

55 AMENDS:

56 **53A-11-605**, as last amended by Laws of Utah 2012, Chapter 425

57 **53A-11a-301**, as last amended by Laws of Utah 2011, Chapter 235

58 **53A-11a-302**, as last amended by Laws of Utah 2011, Chapter 235

59 **53A-13-302**, as last amended by Laws of Utah 1999, Chapter 284

60 **63G-2-202**, as last amended by Laws of Utah 2012, Chapter 377

61 **63G-2-302**, as last amended by Laws of Utah 2012, Chapters 74, 145, and 202

62 ENACTS:

63 **53A-11a-203**, Utah Code Annotated 1953



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

66 Section 1. Section **53A-11-605** is amended to read:

67 **53A-11-605. Definitions -- School personnel -- Medical recommendations --**

68 **Exceptions -- Penalties.**

69 (1) As used in this section:

70 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
71 mental health therapist.

72 (b) "School personnel" means ~~any~~ a school district or charter school employee,
73 including a licensed, part-time, contract, ~~and~~ or nonlicensed ~~employees~~ employee.

74 (2) School personnel may:

75 (a) provide information and observations to a student's parent or guardian about that
76 student, including observations and concerns in the following areas:

77 (i) progress;

78 (ii) health and wellness;

79 (iii) social interactions;

80 (iv) behavior; or

81 (v) topics consistent with Subsection 53A-13-302(6);

82 (b) communicate information and observations between school personnel regarding a
83 child;

84 (c) refer students to other appropriate school personnel and agents, consistent with

85 local school board or charter school policy, including referrals and communication with a
86 school counselor or other mental health professionals working within the school system;

87 (d) consult or use appropriate health care professionals in the event of an emergency
88 while the student is at school, consistent with the student emergency information provided at
89 student enrollment;

90 (e) exercise their authority relating to the placement within the school or readmission
91 of a child who may be or has been suspended or expelled for a violation of Section
92 53A-11-904; and

93 (f) complete a behavioral health evaluation form if requested by a student's parent or
94 guardian to provide information to a licensed physician.

95 (3) School personnel shall:

96 (a) report suspected child abuse consistent with Section 62A-4a-403;

97 (b) comply with applicable state and local health department laws, rules, and policies;
98 and

99 (c) conduct evaluations and assessments consistent with the Individuals with
100 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

101 (4) Except as provided in Subsection (2) [~~and~~], Subsection (6), and Section
102 53A-11a-203, school personnel may not:

103 (a) recommend to a parent or guardian that a child take or continue to take a
104 psychotropic medication;

105 (b) require that a student take or continue to take a psychotropic medication as a
106 condition for attending school;

107 (c) recommend that a parent or guardian seek or use a type of psychiatric or
108 psychological treatment for a child;

109 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,
110 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the
111 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent
112 amendments; or

113 (e) make a child abuse or neglect report to authorities, including the Division of Child
114 and Family Services, solely or primarily on the basis that a parent or guardian refuses to
115 consent to:

116 (i) a psychiatric, psychological, or behavioral treatment for a child, including the
117 administration of a psychotropic medication to a child; or

118 (ii) a psychiatric or behavioral health evaluation of a child.

119 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would
120 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under
121 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of
122 others.

123 (6) Notwithstanding Subsection (4), a school counselor or other mental health
124 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional
125 Practice Act, or licensed through the State Board of Education, working within the school
126 system may:

127 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

128 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for
129 a child;

130 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,
131 test, evaluation, or assessment of a child in accordance with Section 53A-13-302; and

132 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,
133 a list of three or more health care professionals or providers, including licensed physicians,
134 psychologists, or other health specialists.

135 (7) Local school boards or charter schools shall adopt a policy:

136 (a) providing for training of appropriate school personnel on the provisions of this
137 section; and

138 (b) indicating that an intentional violation of this section is cause for disciplinary action
139 consistent with local school board or charter school policy and under Section 53A-8a-502.

140 (8) Nothing in this section shall be interpreted as discouraging general communication

141 not prohibited by this section between school personnel and a student's parent or guardian.

142 Section 2. Section **53A-11a-203** is enacted to read:

143 **53A-11a-203. Parental notification of certain incidents and threats required.**

144 (1) For purposes of this section, "parent" includes a student's guardian.

145 (2) A school shall:

146 (a) notify a parent if the parent's student threatens to commit suicide; or

147 (b) notify the parents of each student involved in an incident of bullying,

148 cyber-bullying, harassment, hazing, or retaliation, of the incident involving each parent's

149 student.

150 (3) (a) If a school notifies a parent of an incident or threat required to be reported under

151 Subsection (2), the school shall produce and maintain a record that verifies that the parent was

152 notified of the incident or threat.

153 (b) A school may not:

154 (i) disclose a record described in Subsection (3)(a), including any information obtained

155 to prepare the record, to a person other than a person authorized to receive the record described

156 in Subsection (3)(c); or

157 (ii) use a record described in Subsection (3)(a), including any information obtained to

158 prepare the record, for the school's own purposes, including the following purposes:

159 (A) for a report or study;

160 (B) for a statistical analysis; or

161 (C) to conduct research.

162 (c) A school may disclose a record described in Subsection (3)(a), including any

163 information obtained to prepare the record:

164 (i) to the parent or the parent's student; or

165 (ii) to a person if required to disclose the record or information to a person pursuant to

166 the terms of a court order as described in Subsection 63G-2-202(7).

167 (4) A school board shall adopt a policy regarding the process for:

168 (a) notifying a parent as required in Subsection (2); and

169 (b) producing and retaining a record that verifies that a parent was notified of an
170 incident or threat as required in Subsection (3).

171 (5) At the request of a parent, a school may provide information and make
172 recommendations related to an incident or threat described in Subsection (2).

173 Section 3. Section **53A-11a-301** is amended to read:

174 **53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation**
175 **policy.**

176 (1) On or before September 1, [~~2012~~] 2013, each school board shall [~~adopt a~~] update
177 the school board's bullying, cyber-bullying, harassment, [~~and~~] hazing, and retaliation policy
178 consistent with this chapter.

179 (2) The policy shall:

180 (a) be developed only with input from:

181 (i) students;

182 (ii) parents;

183 (iii) teachers;

184 (iv) school administrators;

185 (v) school staff; or

186 (vi) local law enforcement agencies; and

187 (b) provide protection to a student, regardless of the student's legal status.

188 (3) The policy shall include the following components:

189 (a) definitions of bullying, cyber-bullying, harassment, and hazing that are consistent
190 with this chapter;

191 (b) language prohibiting bullying, cyber-bullying, harassment, and hazing;

192 (c) language prohibiting retaliation against an individual who reports conduct that is
193 prohibited under this chapter; [~~and~~]

194 (d) language prohibiting making a false report of bullying, cyber-bullying, harassment,
195 hazing, or retaliation[-]; and

196 (e) as required in Section 53A-11a-203, parental notification of:

- 197 (i) a student's threat to commit suicide; and
- 198 (ii) an incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving
- 199 the parent's student.

200 (4) A copy of the policy shall be included in student conduct handbooks and employee
201 handbooks.

202 (5) A policy may not permit formal disciplinary action that is based solely on an
203 anonymous report of bullying, cyber-bullying, harassment, hazing, or retaliation.

204 (6) Nothing in this chapter is intended to infringe upon the right of a school employee
205 or student to exercise their right of free speech.

206 Section 4. Section **53A-11a-302** is amended to read:

207 **53A-11a-302. Model policy and State Board of Education duties.**

208 On or before September 1, [2011] 2013, the State Board of Education shall:

209 (1) [~~develop a~~] update the State Board of Education's model policy on bullying,
210 cyber-bullying, harassment, hazing, and retaliation; and

211 (2) post the model policy described in Subsection (1) on the State Board of Education's
212 website.

213 Section 5. Section **53A-13-302** is amended to read:

214 **53A-13-302. Activities prohibited without prior written consent -- Validity of**
215 **consent -- Qualifications -- Training on implementation.**

216 (1) Policies adopted by a school district under Section 53A-13-301 shall include
217 prohibitions on the administration to a student of any psychological or psychiatric examination,
218 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the
219 student's parent or legal guardian, in which the purpose or evident intended effect is to cause
220 the student to reveal information, whether the information is personally identifiable or not,
221 concerning the student's or any family member's:

222 (a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of
223 the State Board of Education, political philosophies;

224 (b) mental or psychological problems;

- 225 (c) sexual behavior, orientation, or attitudes;
- 226 (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- 227 (e) critical appraisals of individuals with whom the student or family member has close
- 228 family relationships;
- 229 (f) religious affiliations or beliefs;
- 230 (g) legally recognized privileged and analogous relationships, such as those with
- 231 lawyers, medical personnel, or ministers; and
- 232 (h) income, except as required by law.
- 233 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten
- 234 through grade 12.
- 235 (3) ~~[The]~~ Except as provided in Section 53A-11a-203, the prohibitions under
- 236 Subsection (1) shall also apply within the curriculum and other school activities unless prior
- 237 written consent of the student's parent or legal guardian has been obtained.
- 238 (4) Written parental consent is valid only if a parent or legal guardian has been first
- 239 given written notice, including notice that a copy of the educational or student survey questions
- 240 to be asked of the student in obtaining the desired information is made available at the school,
- 241 and a reasonable opportunity to obtain written information concerning:
- 242 (a) records or information, including information about relationships, that may be
- 243 examined or requested;
- 244 (b) the means by which the records or information shall be examined or reviewed;
- 245 (c) the means by which the information is to be obtained;
- 246 (d) the purposes for which the records or information are needed;
- 247 (e) the entities or persons, regardless of affiliation, who will have access to the
- 248 personally identifiable information; and
- 249 (f) a method by which a parent of a student can grant permission to access or examine
- 250 the personally identifiable information.
- 251 (5) (a) Except in response to a situation which a school employee reasonably believes
- 252 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or

253 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian
254 must be given at least two weeks before information protected under this section is sought.

255 (b) Following disclosure, a parent or guardian may waive the two week minimum
256 notification period.

257 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person
258 requesting written consent, the authorization is valid only for the activity for which it was
259 granted.

260 (d) A written withdrawal of authorization submitted to the school principal by the
261 authorizing parent or guardian terminates the authorization.

262 (e) A general consent used to approve admission to school or involvement in special
263 education, remedial education, or a school activity does not constitute written consent under
264 this section.

265 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3
266 to spontaneously express sentiments or opinions otherwise protected against disclosure under
267 this section.

268 (b) (i) If a school employee or agent believes that a situation exists which presents a
269 serious threat to the well-being of a student, that employee or agent shall notify the student's
270 parent or guardian without delay.

271 (ii) If, however, the matter has been reported to the Division of Child and Family
272 Services within the Department of Human Services, it is the responsibility of the division to
273 notify the student's parent or guardian of any possible investigation, prior to the student's return
274 home from school.

275 (iii) The division may be exempted from the notification requirements described in this
276 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification
277 of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

278 (7) Local school boards shall provide inservice for teachers and administrators within
279 their respective school districts on the implementation of this section.

280 (8) The board shall provide procedures for disciplinary action for violations of this

281 section.

282 Section 6. Section **63G-2-202** is amended to read:

283 **63G-2-202. Access to private, controlled, and protected documents.**

284 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity
285 shall disclose a private record to:

286 (a) the subject of the record;

287 (b) the parent or legal guardian of an unemancipated minor who is the subject of the
288 record;

289 (c) the legal guardian of a legally incapacitated individual who is the subject of the
290 record;

291 (d) any other individual who:

292 (i) has a power of attorney from the subject of the record;

293 (ii) submits a notarized release from the subject of the record or the individual's legal
294 representative dated no more than 90 days before the date the request is made; or

295 (iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a
296 health care provider, as defined in Section 26-33a-102, if releasing the record or information in
297 the record is consistent with normal professional practice and medical ethics; or

298 (e) any person to whom the record must be provided pursuant to:

299 (i) court order as provided in Subsection (7); or

300 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

301 Powers.

302 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

303 (i) a physician, psychologist, certified social worker, insurance provider or producer, or
304 a government public health agency upon submission of:

305 (A) a release from the subject of the record that is dated no more than 90 days prior to
306 the date the request is made; and

307 (B) a signed acknowledgment of the terms of disclosure of controlled information as
308 provided by Subsection (2)(b); and

309 (ii) any person to whom the record must be disclosed pursuant to:
310 (A) a court order as provided in Subsection (7); or
311 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
312 Powers.

313 (b) A person who receives a record from a governmental entity in accordance with
314 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,
315 including the subject of the record.

316 (3) If there is more than one subject of a private or controlled record, the portion of the
317 record that pertains to another subject shall be segregated from the portion that the requester is
318 entitled to inspect.

319 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental
320 entity shall disclose a protected record to:

321 (a) the person who submitted the record;

322 (b) any other individual who:

323 (i) has a power of attorney from all persons, governmental entities, or political
324 subdivisions whose interests were sought to be protected by the protected classification; or

325 (ii) submits a notarized release from all persons, governmental entities, or political
326 subdivisions whose interests were sought to be protected by the protected classification or from
327 their legal representatives dated no more than 90 days prior to the date the request is made;

328 (c) any person to whom the record must be provided pursuant to:

329 (i) a court order as provided in Subsection (7); or

330 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
331 Powers; or

332 (d) the owner of a mobile home park, subject to the conditions of Subsection
333 41-1a-116(5).

334 (5) A governmental entity may disclose a private, controlled, or protected record to
335 another governmental entity, political subdivision, another state, the United States, or a foreign
336 government only as provided by Section 63G-2-206.

337 (6) Before releasing a private, controlled, or protected record, the governmental entity
338 shall obtain evidence of the requester's identity.

339 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
340 signed by a judge from a court of competent jurisdiction, provided that:

341 (a) the record deals with a matter in controversy over which the court has jurisdiction;

342 (b) the court has considered the merits of the request for access to the record;

343 (c) the court has considered and, where appropriate, limited the requester's use and
344 further disclosure of the record in order to protect:

345 (i) privacy interests in the case of private or controlled records;

346 (ii) business confidentiality interests in the case of records protected under Subsection
347 63G-2-305(1), (2), (39)(a)(ii), or (39)(a)(vi); and

348 (iii) privacy interests or the public interest in the case of other protected records;

349 (d) to the extent the record is properly classified private, controlled, or protected, the
350 interests favoring access, considering limitations thereon, are greater than or equal to the
351 interests favoring restriction of access; and

352 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
353 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

354 (8) (a) ~~[A]~~ Except as provided in Subsection (8)(d), a governmental entity may disclose
355 or authorize disclosure of private or controlled records for research purposes if the
356 governmental entity:

357 (i) determines that the research purpose cannot reasonably be accomplished without
358 use or disclosure of the information to the researcher in individually identifiable form;

359 (ii) determines that:

360 (A) the proposed research is bona fide; and

361 (B) the value of the research is greater than or equal to the infringement upon personal
362 privacy;

363 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
364 the records; and

365 (B) requires the removal or destruction of the individual identifiers associated with the
366 records as soon as the purpose of the research project has been accomplished;

367 (iv) prohibits the researcher from:

368 (A) disclosing the record in individually identifiable form, except as provided in
369 Subsection (8)(b); or

370 (B) using the record for purposes other than the research approved by the governmental
371 entity; and

372 (v) secures from the researcher a written statement of the researcher's understanding of
373 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
374 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
375 under Section 63G-2-801.

376 (b) A researcher may disclose a record in individually identifiable form if the record is
377 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
378 or disclosure of the record in individually identifiable form will be made by the auditor or
379 evaluator except as provided by this section.

380 (c) A governmental entity may require indemnification as a condition of permitting
381 research under this Subsection (8).

382 (d) A governmental entity may not disclose or authorize disclosure of a private record
383 for research purposes as described in this Subsection (8) if the private record is a record
384 described in Subsection 63G-2-302(1)(s).

385 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
386 may disclose to persons other than those specified in this section records that are:

387 (i) private under Section 63G-2-302; or

388 (ii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for
389 business confidentiality has been made under Section 63G-2-309.

390 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the
391 disclosure to persons other than those specified in this section of records that are:

392 (i) private under Section 63G-2-302;

393 (ii) controlled under Section 63G-2-304; or
394 (iii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for
395 business confidentiality has been made under Section 63G-2-309.

396 (c) Under Subsection 63G-2-404(8), the court may require the disclosure of records
397 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
398 under Section 63G-2-305 to persons other than those specified in this section.

399 (10) A record contained in the Management Information System, created in Section
400 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
401 disclosed to any person except the person who is alleged in the report to be a perpetrator of
402 abuse, neglect, or dependency.

403 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be
404 disclosed as provided in Subsection (1)(e).

405 (b) A protected record described in Subsection 63G-2-305(42) may only be disclosed
406 as provided in Subsection (4)(c) or Section 62A-3-312.

407 (12) (a) A private, protected, or controlled record described in Section 62A-16-301
408 shall be disclosed as required under:

- 409 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and
- 410 (ii) Subsections 62A-16-302(1) and (6).

411 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,
412 protected, or controlled.

413 Section 7. Section **63G-2-302** is amended to read:

414 **63G-2-302. Private records.**

415 (1) The following records are private:

416 (a) records concerning an individual's eligibility for unemployment insurance benefits,
417 social services, welfare benefits, or the determination of benefit levels;

418 (b) records containing data on individuals describing medical history, diagnosis,
419 condition, treatment, evaluation, or similar medical data;

420 (c) records of publicly funded libraries that when examined alone or with other records

421 identify a patron;

422 (d) records received by or generated by or for:

423 (i) the Independent Legislative Ethics Commission, except for:

424 (A) the commission's summary data report that is required under legislative rule; and

425 (B) any other document that is classified as public under legislative rule; or

426 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,

427 unless the record is classified as public under legislative rule;

428 (e) records received or generated for a Senate confirmation committee concerning

429 character, professional competence, or physical or mental health of an individual:

430 (i) if prior to the meeting, the chair of the committee determines release of the records:

431 (A) reasonably could be expected to interfere with the investigation undertaken by the

432 committee; or

433 (B) would create a danger of depriving a person of a right to a fair proceeding or

434 impartial hearing; and

435 (ii) after the meeting, if the meeting was closed to the public;

436 (f) employment records concerning a current or former employee of, or applicant for

437 employment with, a governmental entity that would disclose that individual's home address,

438 home telephone number, Social Security number, insurance coverage, marital status, or payroll

439 deductions;

440 (g) records or parts of records under Section 63G-2-303 that a current or former

441 employee identifies as private according to the requirements of that section;

442 (h) that part of a record indicating a person's Social Security number or federal

443 employer identification number if provided under Section 31A-23a-104, 31A-25-202,

444 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

445 (i) that part of a voter registration record identifying a voter's:

446 (i) driver license or identification card number;

447 (ii) Social Security number, or last four digits of the Social Security number; or

448 (iii) email address;

- 449 (j) a record that:
- 450 (i) contains information about an individual;
- 451 (ii) is voluntarily provided by the individual; and
- 452 (iii) goes into an electronic database that:
- 453 (A) is designated by and administered under the authority of the Chief Information
- 454 Officer; and
- 455 (B) acts as a repository of information about the individual that can be electronically
- 456 retrieved and used to facilitate the individual's online interaction with a state agency;
- 457 (k) information provided to the Commissioner of Insurance under:
- 458 (i) Subsection 31A-23a-115(2)(a);
- 459 (ii) Subsection 31A-23a-302(3); or
- 460 (iii) Subsection 31A-26-210(3);
- 461 (l) information obtained through a criminal background check under Title 11, Chapter
- 462 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 463 (m) information provided by an offender that is:
- 464 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 465 Offender Registry; and
- 466 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 467 (n) a statement and any supporting documentation filed with the attorney general in
- 468 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
- 469 homeland security;
- 470 (o) electronic toll collection customer account information received or collected under
- 471 Section 72-6-118, including contact and payment information and customer travel data;
- 472 (p) an email address provided by a military or overseas voter under Section
- 473 20A-16-501;
- 474 (q) a completed military-overseas ballot that is electronically transmitted under Title
- 475 20A, Chapter 16, Uniform Military and Overseas Voters Act; [~~and~~]
- 476 (r) records received by or generated by or for the Political Subdivisions Ethics Review

477 Commission established in Section 11-49-201, except for:

478 (i) the commission's summary data report that is required in Section 11-49-202; and

479 (ii) any other document that is classified as public in accordance with Title 11, Chapter
480 49, Political Subdivisions Ethics Review Commission[-]; and

481 (s) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
482 notified of an incident or threat.

483 (2) The following records are private if properly classified by a governmental entity:

484 (a) records concerning a current or former employee of, or applicant for employment
485 with a governmental entity, including performance evaluations and personal status information
486 such as race, religion, or disabilities, but not including records that are public under Subsection
487 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);

488 (b) records describing an individual's finances, except that the following are public:

489 (i) records described in Subsection 63G-2-301(2);

490 (ii) information provided to the governmental entity for the purpose of complying with
491 a financial assurance requirement; or

492 (iii) records that must be disclosed in accordance with another statute;

493 (c) records of independent state agencies if the disclosure of those records would
494 conflict with the fiduciary obligations of the agency;

495 (d) other records containing data on individuals the disclosure of which constitutes a
496 clearly unwarranted invasion of personal privacy;

497 (e) records provided by the United States or by a government entity outside the state
498 that are given with the requirement that the records be managed as private records, if the
499 providing entity states in writing that the record would not be subject to public disclosure if
500 retained by it; and

501 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
502 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
503 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

504 (3) (a) As used in this Subsection (3), "medical records" means medical reports,

505 records, statements, history, diagnosis, condition, treatment, and evaluation.

506 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
507 doctors, or affiliated entities are not private records or controlled records under Section
508 63G-2-304 when the records are sought:

509 (i) in connection with any legal or administrative proceeding in which the patient's
510 physical, mental, or emotional condition is an element of any claim or defense; or

511 (ii) after a patient's death, in any legal or administrative proceeding in which any party
512 relies upon the condition as an element of the claim or defense.

513 (c) Medical records are subject to production in a legal or administrative proceeding
514 according to state or federal statutes or rules of procedure and evidence as if the medical
515 records were in the possession of a nongovernmental medical care provider.