

**PUBLIC TRANSIT DISTRICT CUSTOMER INFORMATION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: Stephen G. Handy

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**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

**General Description:**

This bill modifies the Public Transit District Act and the Government Records Access and Management Act by amending provisions relating to public transit district customer information.

**Highlighted Provisions:**

This bill:

- ▶ classifies certain public transit district customer account information and travel data received or collected as a private record under the Government Records Access and Management Act; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-2a-815**, as enacted by Laws of Utah 2007, Chapter 329

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



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

Section 1. Section **17B-2a-815** is amended to read:

**17B-2a-815. Rates and charges for service.**

(1) The board of trustees of a public transit district shall fix rates and charges for service provided by the district by a two-thirds vote of all board members.

(2) Rates and charges shall:

(a) be reasonable; and

(b) to the extent practicable:

(i) result in enough revenue to make the public transit system self supporting; and

(ii) be sufficient to:

(A) pay for district operating expenses;

(B) provide for repairs, maintenance, and depreciation of works and property that the district owns or operates;

(C) provide for the purchase, lease, or acquisition of property and equipment;

(D) pay the interest and principal of bonds that the district issues; and

(E) pay for contracts, agreements, leases, and other legal liabilities that the district incurs.

(3) (a) In accordance with Section 63G-2-302, the following personal information received by the district from a customer through any debit, credit, or electronic fare payment process is a private record under Title 63G, Chapter 2, Government Records Access and Management Act:

(i) travel data, including:

(A) the identity of the purchasing individual or entity;

(B) travel dates, times, or frequency of use; and

(C) locations of use;

(ii) service type or vehicle identification used by the customer;

(iii) the unique transit pass identifier assigned to the customer; or

(iv) customer account information including the cardholder's name, the credit or debit card number, the card issuer identification, or any other related information.

(b) Private records described in this Subsection (3) that are received by a public transit

59 district may only be disclosed in accordance with Section 63G-2-202.

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

61 **63G-2-302. Private records.**

62 (1) The following records are private:

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

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

67 (c) records of publicly funded libraries that when examined alone or with other records  
68 identify a patron;

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

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

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

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

73 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
74 unless the record is classified as public under legislative rule;

75 (e) records received or generated for a Senate confirmation committee concerning  
76 character, professional competence, or physical or mental health of an individual:

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

78 (A) reasonably could be expected to interfere with the investigation undertaken by the  
79 committee; or

80 (B) would create a danger of depriving a person of a right to a fair proceeding or  
81 impartial hearing; and

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

83 (f) employment records concerning a current or former employee of, or applicant for  
84 employment with, a governmental entity that would disclose that individual's home address,  
85 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
86 deductions;

87 (g) records or parts of records under Section 63G-2-303 that a current or former  
88 employee identifies as private according to the requirements of that section;

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

90 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
91 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

92 (i) that part of a voter registration record identifying a voter's:  
93 (i) driver license or identification card number;  
94 (ii) Social Security number, or last four digits of the Social Security number; or  
95 (iii) email address;  
96 (j) a record that:  
97 (i) contains information about an individual;  
98 (ii) is voluntarily provided by the individual; and  
99 (iii) goes into an electronic database that:  
100 (A) is designated by and administered under the authority of the Chief Information  
101 Officer; and  
102 (B) acts as a repository of information about the individual that can be electronically  
103 retrieved and used to facilitate the individual's online interaction with a state agency;  
104 (k) information provided to the Commissioner of Insurance under:  
105 (i) Subsection 31A-23a-115(2)(a);  
106 (ii) Subsection 31A-23a-302(3); or  
107 (iii) Subsection 31A-26-210(3);  
108 (l) information obtained through a criminal background check under Title 11, Chapter  
109 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;  
110 (m) information provided by an offender that is:  
111 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
112 Offender Registry; and  
113 (ii) not required to be made available to the public under Subsection 77-41-110(4);  
114 (n) a statement and any supporting documentation filed with the attorney general in  
115 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
116 homeland security;  
117 (o) electronic toll collection customer account information received or collected under  
118 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
119 collected by a public transit district, including contact and payment information and customer  
120 travel data;

- 121 (p) an email address provided by a military or overseas voter under Section  
122 20A-16-501;
- 123 (q) a completed military-overseas ballot that is electronically transmitted under Title  
124 20A, Chapter 16, Uniform Military and Overseas Voters Act; and
- 125 (r) records received by or generated by or for the Political Subdivisions Ethics Review  
126 Commission established in Section 11-49-201, except for:
- 127 (i) the commission's summary data report that is required in Section 11-49-202; and  
128 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
129 49, Political Subdivisions Ethics Review Commission.
- 130 (2) The following records are private if properly classified by a governmental entity:
- 131 (a) records concerning a current or former employee of, or applicant for employment  
132 with, a governmental entity, including performance evaluations and personal status information  
133 such as race, religion, or disabilities, but not including records that are public under Subsection  
134 63G-2-301(2)(b) or 63G-2-301(3)(o)[;] or private under Subsection (1)(b);
- 135 (b) records describing an individual's finances, except that the following are public:
- 136 (i) records described in Subsection 63G-2-301(2);  
137 (ii) information provided to the governmental entity for the purpose of complying with  
138 a financial assurance requirement; or
- 139 (iii) records that must be disclosed in accordance with another statute;
- 140 (c) records of independent state agencies if the disclosure of those records would  
141 conflict with the fiduciary obligations of the agency;
- 142 (d) other records containing data on individuals the disclosure of which constitutes a  
143 clearly unwarranted invasion of personal privacy;
- 144 (e) records provided by the United States or by a government entity outside the state  
145 that are given with the requirement that the records be managed as private records, if the  
146 providing entity states in writing that the record would not be subject to public disclosure if  
147 retained by it; and
- 148 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
149 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
150 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.
- 151 (3) (a) As used in this Subsection (3), "medical records" means medical reports,

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

153 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
154 doctors, or affiliated entities are not private records or controlled records under Section  
155 63G-2-304 when the records are sought:

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

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

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

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**Legislative Review Note**  
**as of 10-22-12 6:59 AM**

**Office of Legislative Research and General Counsel**