

**EDUCATIONAL RECORDS PROTECTION AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill amends provisions related to records that are subject to federal law.

**Highlighted Provisions:**

This bill:

- ▶ exempts certain education records from the Government Records and Access Management Act; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-2-107**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **63G-2-107** is amended to read:

**63G-2-107. Disclosure of records subject to federal law.**

Notwithstanding [the provisions of Subsections **63G-2-201**(6)(a) and (b)] Subsection **63G-2-201**(6), this chapter does not apply to:



28            (1) a record containing protected health information as defined in 45 C.F.R., Part 164,  
29 Standards for Privacy of Individually Identifiable Health Information, if the record is:  
30            [~~(1)~~] (a) controlled or maintained by a governmental entity; and  
31            [~~(2)~~] (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of  
32 Individually Identifiable Health Information[~~;~~]; or  
33            (2) an education record as defined in Family Educational Rights and Privacy, 34 C.F.R.  
34 Part 99, if the record is:  
35            (a) controlled or maintained by a governmental entity; and  
36            (b) governed by Family Educational Rights and Privacy, 34 C.F.R. Part 99.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**