

53B-16-302 Records that may be classified as restricted.

A public institution of higher education may classify only the following records as restricted:

- (1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets;
or
- (2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the public institution of higher education shall disclose:
 - (a) prior to a memorandum of intent to contract or an agreement in principle between the parties:
 - (i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and
 - (ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or
 - (b) after a memorandum of intent to contract or an agreement in principle between the parties:
 - (i) the names of the parties involved in the technology transfer or sponsored research;
 - (ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and
 - (iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session