

**53B-16-303 Access to restricted records.**

Notwithstanding any other provision of Title 63G, Chapter 2, Government Records Access and Management Act, access to records restricted by this part shall only be permitted upon:

- (1) written consent of the public institution of higher education originating, receiving, or maintaining such records; or
- (2) a finding by the State Records Committee or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(7) or Section 63G-2-309. Nothing in this Subsection (2) shall be construed to limit the authority of the State Board of Regents to reclassify and disclose a record of a public institution of higher education.

Amended by Chapter 382, 2008 General Session