

S.B. 179

PROTECTION OF GOVERNMENT RECORDS

Senator **Gregory S. Bell** proposes the following amendments:

1. *Page 1, Lines 12 through 14:*

12 ▶ defines terms;

 ▶ **addresses what information must be disclosed upon receipt of a written request for a reasonably identifiable record;**

13 ▶ addresses protected records related to an institution within the state system of higher
14 education;

2. *Page 1, Lines 25 through 27:*

25 AMENDS:

26 53B-16-301, as enacted by Chapter 280, Laws of Utah 1992

53B-16-302, as last amended by Chapter 280, Laws of Utah 1992

27 53B-16-304, as enacted by Chapter 280, Laws of Utah 1992

3. *Page 3, Lines 60 through 61:*

60 external persons [~~or entities~~] for the purpose of economic development. =

Section 2. Section 53B-16-302 is amended to read:

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

~~{(ii)}~~ **(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 63, Chapter 2, Government Records Access and Management Act.

61 Section ~~{2}~~ **(3)** . Section **53B-16-304** is amended to read:

Renumber the remaining sections accordingly.

4. *Page 18, Lines 543 through 544*

Senate Committee Amendments

2-16-2005:

543 (vi) confidential information contained in research proposals;

(b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

544 ~~{(b)}~~ **(c)** Subsection (40)(a) may not be construed to affect the ownership of a record;