

1 **HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Julie Fisher**

5 Senate Sponsor: Kevin T. Van Tassell

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Government Records Access Management Act by amending
10 provisions relating to high occupancy toll lane customer information.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ classifies certain electronic toll collection customer account information received or
14 collected as a private record under the Government Records Access Management

15 Act; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63G-2-302**, as last amended by Laws of Utah 2010, Chapters 36 and 379

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

26 Section 1. Section **63G-2-302** is amended to read:

27 **63G-2-302. Private records.**

28 (1) The following records are private:

29 (a) records concerning an individual's eligibility for unemployment insurance benefits,

30 social services, welfare benefits, or the determination of benefit levels;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (h) that part of a record indicating a person's Social Security number or federal
56 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
57 31A-26-202, 58-1-301, 61-1-4, or 61-2f-203;

58 (i) that part of a voter registration record identifying a voter's driver license or
59 identification card number, Social Security number, or last four digits of the Social Security
60 number;

61 (j) a record that:

62 (i) contains information about an individual;

63 (ii) is voluntarily provided by the individual; and

64 (iii) goes into an electronic database that:

65 (A) is designated by and administered under the authority of the Chief Information
66 Officer; and

67 (B) acts as a repository of information about the individual that can be electronically
68 retrieved and used to facilitate the individual's online interaction with a state agency;

69 (k) information provided to the Commissioner of Insurance under:

70 (i) Subsection 31A-23a-115(2)(a);

71 (ii) Subsection 31A-23a-302(3); or

72 (iii) Subsection 31A-26-210(3);

73 (l) information obtained through a criminal background check under Title 11, Chapter
74 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

75 (m) information provided by an offender that is:

76 (i) required by the registration requirements of Section 77-27-21.5; and

77 (ii) not required to be made available to the public under Subsection 77-27-21.5(27);

78 [and]

79 (n) a statement and any supporting documentation filed with the attorney general in
80 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
81 homeland security[-]; and

82 (o) electronic toll collection customer account information received or collected under
83 Section 72-6-118, including contact and payment information and customer travel data.

84 (2) The following records are private if properly classified by a governmental entity:

85 (a) records concerning a current or former employee of, or applicant for employment

86 with a governmental entity, including performance evaluations and personal status information
87 such as race, religion, or disabilities, but not including records that are public under Subsection
88 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);

89 (b) records describing an individual's finances, except that the following are public:

90 (i) records described in Subsection 63G-2-301(2);

91 (ii) information provided to the governmental entity for the purpose of complying with
92 a financial assurance requirement; or

93 (iii) records that must be disclosed in accordance with another statute;

94 (c) records of independent state agencies if the disclosure of those records would
95 conflict with the fiduciary obligations of the agency;

96 (d) other records containing data on individuals the disclosure of which constitutes a
97 clearly unwarranted invasion of personal privacy;

98 (e) records provided by the United States or by a government entity outside the state
99 that are given with the requirement that the records be managed as private records, if the
100 providing entity states in writing that the record would not be subject to public disclosure if
101 retained by it; and

102 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
103 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
104 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

105 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
106 records, statements, history, diagnosis, condition, treatment, and evaluation.

107 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
108 doctors, or affiliated entities are not private records or controlled records under Section
109 63G-2-304 when the records are sought:

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

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

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