

**Senator Luz Robles** proposes the following substitute bill:

**PARENTAL NOTIFICATION RELATED TO STUDENT**

**SAFETY**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Luz Robles

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22	Rebecca P. Edwards	Val L. Peterson	

23 \_\_\_\_\_  
24 **LONG TITLE**



25 **General Description:**

26 This bill requires parental notification of certain safety threats to a parent's student.

27 **Highlighted Provisions:**

28 This bill:

29 ▶ requires a school to notify a parent:

- 30 • if the parent's student threatens to commit suicide; or
  - 31 • of an incident of bullying, cyber-bullying, harassment, hazing, or retaliation
- 32 involving the parent's student;

33 ▶ requires a school to produce and maintain a record that verifies that a parent was  
34 notified of certain incidents or threats; and

35 ▶ requires a school board to adopt a policy regarding the process for:

- 36 • notifying a parent of certain incidents or threats; and
  - 37 • producing and retaining a record that verifies that a parent was notified of
- 38 certain incidents or threats;

39 ▶ provides that a record verifying that a parent was notified of certain incidents or  
40 threats:

- 41 • is a private record for purposes of the Government Records Access and  
42 Management Act; and

- 43 • may not be used by the school for the school's own purposes;

44 ▶ requires a local school board or charter school governing board to update the school  
45 board's policies regarding bullying, cyber-bullying, harassment, hazing, and  
46 retaliation by September 1, 2013, to include procedures for parental notification;  
47 and

48 ▶ requires the State Board of Education to update the board's model policy on  
49 bullying, cyber-bullying, harassment, hazing, and retaliation.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 None

54 **Utah Code Sections Affected:**

55 AMENDS:

- 56           **53A-11-605**, as last amended by Laws of Utah 2012, Chapter 425
- 57           **53A-11a-301**, as last amended by Laws of Utah 2011, Chapter 235
- 58           **53A-11a-302**, as last amended by Laws of Utah 2011, Chapter 235
- 59           **53A-13-302**, as last amended by Laws of Utah 1999, Chapter 284
- 60           **63G-2-202**, as last amended by Laws of Utah 2012, Chapter 377
- 61           **63G-2-302**, as last amended by Laws of Utah 2012, Chapters 74, 145, and 202

62 ENACTS:

63           **53A-11a-203**, Utah Code Annotated 1953



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

66           Section 1. Section **53A-11-605** is amended to read:

67           **53A-11-605. Definitions -- School personnel -- Medical recommendations --**  
 68 **Exceptions -- Penalties.**

69           (1) As used in this section:

70           (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or  
71 mental health therapist.

72           (b) "School personnel" means ~~any~~ a school district or charter school employee,  
73 including a licensed, part-time, contract, ~~and~~ or nonlicensed ~~employees~~ employee.

74           (2) School personnel may:

75           (a) provide information and observations to a student's parent or guardian about that  
76 student, including observations and concerns in the following areas:

77           (i) progress;

78           (ii) health and wellness;

79           (iii) social interactions;

80           (iv) behavior; or

81           (v) topics consistent with Subsection 53A-13-302(6);

82           (b) communicate information and observations between school personnel regarding a  
83 child;

84           (c) refer students to other appropriate school personnel and agents, consistent with  
85 local school board or charter school policy, including referrals and communication with a  
86 school counselor or other mental health professionals working within the school system;

87 (d) consult or use appropriate health care professionals in the event of an emergency  
88 while the student is at school, consistent with the student emergency information provided at  
89 student enrollment;

90 (e) exercise their authority relating to the placement within the school or readmission  
91 of a child who may be or has been suspended or expelled for a violation of Section  
92 53A-11-904; and

93 (f) complete a behavioral health evaluation form if requested by a student's parent or  
94 guardian to provide information to a licensed physician.

95 (3) School personnel shall:

96 (a) report suspected child abuse consistent with Section 62A-4a-403;

97 (b) comply with applicable state and local health department laws, rules, and policies;  
98 and

99 (c) conduct evaluations and assessments consistent with the Individuals with  
100 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

101 (4) Except as provided in Subsection (2) [~~and~~], Subsection (6), and Section  
102 53A-11a-203, school personnel may not:

103 (a) recommend to a parent or guardian that a child take or continue to take a  
104 psychotropic medication;

105 (b) require that a student take or continue to take a psychotropic medication as a  
106 condition for attending school;

107 (c) recommend that a parent or guardian seek or use a type of psychiatric or  
108 psychological treatment for a child;

109 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,  
110 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the  
111 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent  
112 amendments; or

113 (e) make a child abuse or neglect report to authorities, including the Division of Child  
114 and Family Services, solely or primarily on the basis that a parent or guardian refuses to  
115 consent to:

116 (i) a psychiatric, psychological, or behavioral treatment for a child, including the  
117 administration of a psychotropic medication to a child; or

- 118 (ii) a psychiatric or behavioral health evaluation of a child.
- 119 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would  
120 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under  
121 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of  
122 others.
- 123 (6) Notwithstanding Subsection (4), a school counselor or other mental health  
124 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional  
125 Practice Act, or licensed through the State Board of Education, working within the school  
126 system may:
- 127 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
- 128 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for  
129 a child;
- 130 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,  
131 test, evaluation, or assessment of a child in accordance with Section 53A-13-302; and
- 132 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,  
133 a list of three or more health care professionals or providers, including licensed physicians,  
134 psychologists, or other health specialists.
- 135 (7) Local school boards or charter schools shall adopt a policy:
- 136 (a) providing for training of appropriate school personnel on the provisions of this  
137 section; and
- 138 (b) indicating that an intentional violation of this section is cause for disciplinary action  
139 consistent with local school board or charter school policy and under Section 53A-8a-502.
- 140 (8) Nothing in this section shall be interpreted as discouraging general communication  
141 not prohibited by this section between school personnel and a student's parent or guardian.
- 142 Section 2. Section **53A-11a-203** is enacted to read:
- 143 **53A-11a-203. Parental notification of certain incidents and threats required.**
- 144 (1) For purposes of this section, "parent" includes a student's guardian.
- 145 (2) A school shall:
- 146 (a) notify a parent if the parent's student threatens to commit suicide; or
- 147 (b) notify the parents of each student involved in an incident of bullying,
- 148 cyber-bullying, harassment, hazing, or retaliation of the incident involving each parent's

149 student.

150 (3) (a) If a school notifies a parent of an incident or threat required to be reported under  
151 Subsection (2), the school shall produce and maintain a record that verifies that the parent was  
152 notified of the incident or threat.

153 (b) A school may not:

154 (i) disclose a record described in Subsection (3)(a), including any information obtained  
155 to prepare the record, to a person other than a person authorized to receive the record described  
156 in Subsection (3)(c); or

157 (ii) use a record described in Subsection (3)(a), including any information obtained to  
158 prepare the record, for the school's own purposes, including the following purposes:

159 (A) for a report or study;

160 (B) for a statistical analysis; or

161 (C) to conduct research.

162 (c) A school may disclose a record described in Subsection (3)(a), including any  
163 information obtained to prepare the record:

164 (i) to the parent or the parent's student; or

165 (ii) to a person if required to disclose the record or information to a person pursuant to  
166 the terms of a court order as described in Subsection 63G-2-202(7).

167 (4) A school board shall adopt a policy regarding the process for:

168 (a) notifying a parent as required in Subsection (2); and

169 (b) producing and retaining a record that verifies that a parent was notified of an  
170 incident or threat as required in Subsection (3).

171 (5) At the request of a parent, a school may provide information and make  
172 recommendations related to an incident or threat described in Subsection (2).

173 Section 3. Section **53A-11a-301** is amended to read:

174 **53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation**  
175 **policy.**

176 (1) On or before September 1, [2012] 2013, each school board shall [~~adopt a~~] update  
177 the school board's bullying, cyber-bullying, harassment, [and] hazing, and retaliation policy  
178 consistent with this chapter.

179 (2) The policy shall:

- 180 (a) be developed only with input from:
- 181 (i) students;
- 182 (ii) parents;
- 183 (iii) teachers;
- 184 (iv) school administrators;
- 185 (v) school staff; or
- 186 (vi) local law enforcement agencies; and
- 187 (b) provide protection to a student, regardless of the student's legal status.
- 188 (3) The policy shall include the following components:
- 189 (a) definitions of bullying, cyber-bullying, harassment, and hazing that are consistent
- 190 with this chapter;
- 191 (b) language prohibiting bullying, cyber-bullying, harassment, and hazing;
- 192 (c) language prohibiting retaliation against an individual who reports conduct that is
- 193 prohibited under this chapter; ~~and~~
- 194 (d) language prohibiting making a false report of bullying, cyber-bullying, harassment,
- 195 hazing, or retaliation[-]; and
- 196 (e) as required in Section 53A-11a-203, parental notification of:
- 197 (i) a student's threat to commit suicide; and
- 198 (ii) an incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving
- 199 the parent's student.
- 200 (4) A copy of the policy shall be included in student conduct handbooks and employee
- 201 handbooks.
- 202 (5) A policy may not permit formal disciplinary action that is based solely on an
- 203 anonymous report of bullying, cyber-bullying, harassment, hazing, or retaliation.
- 204 (6) Nothing in this chapter is intended to infringe upon the right of a school employee
- 205 or student to exercise their right of free speech.
- 206 Section 4. Section **53A-11a-302** is amended to read:
- 207 **53A-11a-302. Model policy and State Board of Education duties.**
- 208 On or before September 1, [2011] 2013, the State Board of Education shall:
- 209 (1) ~~develop a~~ update the State Board of Education's model policy on bullying,
- 210 cyber-bullying, harassment, hazing, and retaliation; and

211 (2) post the model policy described in Subsection (1) on the State Board of Education's  
212 website.

213 Section 5. Section **53A-13-302** is amended to read:

214 **53A-13-302. Activities prohibited without prior written consent -- Validity of**  
215 **consent -- Qualifications -- Training on implementation.**

216 (1) Policies adopted by a school district under Section 53A-13-301 shall include  
217 prohibitions on the administration to a student of any psychological or psychiatric examination,  
218 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the  
219 student's parent or legal guardian, in which the purpose or evident intended effect is to cause  
220 the student to reveal information, whether the information is personally identifiable or not,  
221 concerning the student's or any family member's:

222 (a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of  
223 the State Board of Education, political philosophies;

224 (b) mental or psychological problems;

225 (c) sexual behavior, orientation, or attitudes;

226 (d) illegal, anti-social, self-incriminating, or demeaning behavior;

227 (e) critical appraisals of individuals with whom the student or family member has close  
228 family relationships;

229 (f) religious affiliations or beliefs;

230 (g) legally recognized privileged and analogous relationships, such as those with  
231 lawyers, medical personnel, or ministers; and

232 (h) income, except as required by law.

233 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten  
234 through grade 12.

235 (3) ~~[The]~~ Except as provided in Section 53A-11a-203, the prohibitions under  
236 Subsection (1) shall also apply within the curriculum and other school activities unless prior  
237 written consent of the student's parent or legal guardian has been obtained.

238 (4) Written parental consent is valid only if a parent or legal guardian has been first  
239 given written notice, including notice that a copy of the educational or student survey questions  
240 to be asked of the student in obtaining the desired information is made available at the school,  
241 and a reasonable opportunity to obtain written information concerning:



242 (a) records or information, including information about relationships, that may be  
243 examined or requested;

244 (b) the means by which the records or information shall be examined or reviewed;

245 (c) the means by which the information is to be obtained;

246 (d) the purposes for which the records or information are needed;

247 (e) the entities or persons, regardless of affiliation, who will have access to the  
248 personally identifiable information; and

249 (f) a method by which a parent of a student can grant permission to access or examine  
250 the personally identifiable information.

251 (5) (a) Except in response to a situation which a school employee reasonably believes  
252 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or  
253 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian  
254 must be given at least two weeks before information protected under this section is sought.

255 (b) Following disclosure, a parent or guardian may waive the two week minimum  
256 notification period.

257 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person  
258 requesting written consent, the authorization is valid only for the activity for which it was  
259 granted.

260 (d) A written withdrawal of authorization submitted to the school principal by the  
261 authorizing parent or guardian terminates the authorization.

262 (e) A general consent used to approve admission to school or involvement in special  
263 education, remedial education, or a school activity does not constitute written consent under  
264 this section.

265 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3  
266 to spontaneously express sentiments or opinions otherwise protected against disclosure under  
267 this section.

268 (b) (i) If a school employee or agent believes that a situation exists which presents a  
269 serious threat to the well-being of a student, that employee or agent shall notify the student's  
270 parent or guardian without delay.

271 (ii) If, however, the matter has been reported to the Division of Child and Family  
272 Services within the Department of Human Services, it is the responsibility of the division to

273 notify the student's parent or guardian of any possible investigation, prior to the student's return  
274 home from school.

275 (iii) The division may be exempted from the notification requirements described in this  
276 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification  
277 of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

278 (7) Local school boards shall provide inservice for teachers and administrators within  
279 their respective school districts on the implementation of this section.

280 (8) The board shall provide procedures for disciplinary action for violations of this  
281 section.

282 Section 6. Section **63G-2-202** is amended to read:

283 **63G-2-202. Access to private, controlled, and protected documents.**

284 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity  
285 shall disclose a private record to:

286 (a) the subject of the record;

287 (b) the parent or legal guardian of an unemancipated minor who is the subject of the  
288 record;

289 (c) the legal guardian of a legally incapacitated individual who is the subject of the  
290 record;

291 (d) any other individual who:

292 (i) has a power of attorney from the subject of the record;

293 (ii) submits a notarized release from the subject of the record or the individual's legal  
294 representative dated no more than 90 days before the date the request is made; or

295 (iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a  
296 health care provider, as defined in Section 26-33a-102, if releasing the record or information in  
297 the record is consistent with normal professional practice and medical ethics; or

298 (e) any person to whom the record must be provided pursuant to:

299 (i) court order as provided in Subsection (7); or

300 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

301 Powers.

302 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

303 (i) a physician, psychologist, certified social worker, insurance provider or producer, or

304 a government public health agency upon submission of:

305 (A) a release from the subject of the record that is dated no more than 90 days prior to  
306 the date the request is made; and

307 (B) a signed acknowledgment of the terms of disclosure of controlled information as  
308 provided by Subsection (2)(b); and

309 (ii) any person to whom the record must be disclosed pursuant to:

310 (A) a court order as provided in Subsection (7); or

311 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

312 Powers.

313 (b) A person who receives a record from a governmental entity in accordance with  
314 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,  
315 including the subject of the record.

316 (3) If there is more than one subject of a private or controlled record, the portion of the  
317 record that pertains to another subject shall be segregated from the portion that the requester is  
318 entitled to inspect.

319 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental  
320 entity shall disclose a protected record to:

321 (a) the person who submitted the record;

322 (b) any other individual who:

323 (i) has a power of attorney from all persons, governmental entities, or political  
324 subdivisions whose interests were sought to be protected by the protected classification; or

325 (ii) submits a notarized release from all persons, governmental entities, or political  
326 subdivisions whose interests were sought to be protected by the protected classification or from  
327 their legal representatives dated no more than 90 days prior to the date the request is made;

328 (c) any person to whom the record must be provided pursuant to:

329 (i) a court order as provided in Subsection (7); or

330 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

331 Powers; or

332 (d) the owner of a mobile home park, subject to the conditions of Subsection  
333 41-1a-116(5).

334 (5) A governmental entity may disclose a private, controlled, or protected record to

335 another governmental entity, political subdivision, another state, the United States, or a foreign  
336 government only as provided by Section 63G-2-206.

337 (6) Before releasing a private, controlled, or protected record, the governmental entity  
338 shall obtain evidence of the requester's identity.

339 (7) A governmental entity shall disclose a record pursuant to the terms of a court order  
340 signed by a judge from a court of competent jurisdiction, provided that:

341 (a) the record deals with a matter in controversy over which the court has jurisdiction;

342 (b) the court has considered the merits of the request for access to the record;

343 (c) the court has considered and, where appropriate, limited the requester's use and  
344 further disclosure of the record in order to protect:

345 (i) privacy interests in the case of private or controlled records;

346 (ii) business confidentiality interests in the case of records protected under Subsection  
347 63G-2-305(1), (2), (39)(a)(ii), or (39)(a)(vi); and

348 (iii) privacy interests or the public interest in the case of other protected records;

349 (d) to the extent the record is properly classified private, controlled, or protected, the  
350 interests favoring access, considering limitations thereon, are greater than or equal to the  
351 interests favoring restriction of access; and

352 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection  
353 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

354 (8) (a) ~~[A]~~ Except as provided in Subsection (8)(d), a governmental entity may disclose  
355 or authorize disclosure of private or controlled records for research purposes if the  
356 governmental entity:

357 (i) determines that the research purpose cannot reasonably be accomplished without  
358 use or disclosure of the information to the researcher in individually identifiable form;

359 (ii) determines that:

360 (A) the proposed research is bona fide; and

361 (B) the value of the research is greater than or equal to the infringement upon personal  
362 privacy;

363 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of  
364 the records; and

365 (B) requires the removal or destruction of the individual identifiers associated with the

366 records as soon as the purpose of the research project has been accomplished;

367 (iv) prohibits the researcher from:

368 (A) disclosing the record in individually identifiable form, except as provided in  
369 Subsection (8)(b); or

370 (B) using the record for purposes other than the research approved by the governmental  
371 entity; and

372 (v) secures from the researcher a written statement of the researcher's understanding of  
373 and agreement to the conditions of this Subsection (8) and the researcher's understanding that  
374 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution  
375 under Section 63G-2-801.

376 (b) A researcher may disclose a record in individually identifiable form if the record is  
377 disclosed for the purpose of auditing or evaluating the research program and no subsequent use  
378 or disclosure of the record in individually identifiable form will be made by the auditor or  
379 evaluator except as provided by this section.

380 (c) A governmental entity may require indemnification as a condition of permitting  
381 research under this Subsection (8).

382 (d) A governmental entity may not disclose or authorize disclosure of a private record  
383 for research purposes as described in this Subsection (8) if the private record is a record  
384 described in Subsection 63G-2-302(1)(s).

385 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity  
386 may disclose to persons other than those specified in this section records that are:

387 (i) private under Section 63G-2-302; or

388 (ii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
389 business confidentiality has been made under Section 63G-2-309.

390 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the  
391 disclosure to persons other than those specified in this section of records that are:

392 (i) private under Section 63G-2-302;

393 (ii) controlled under Section 63G-2-304; or

394 (iii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
395 business confidentiality has been made under Section 63G-2-309.

396 (c) Under Subsection 63G-2-404(8), the court may require the disclosure of records

397 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected  
398 under Section 63G-2-305 to persons other than those specified in this section.

399 (10) A record contained in the Management Information System, created in Section  
400 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be  
401 disclosed to any person except the person who is alleged in the report to be a perpetrator of  
402 abuse, neglect, or dependency.

403 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be  
404 disclosed as provided in Subsection (1)(e).

405 (b) A protected record described in Subsection 63G-2-305(42) may only be disclosed  
406 as provided in Subsection (4)(c) or Section 62A-3-312.

407 (12) (a) A private, protected, or controlled record described in Section 62A-16-301  
408 shall be disclosed as required under:

- 409 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and
- 410 (ii) Subsections 62A-16-302(1) and (6).

411 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,  
412 protected, or controlled.

413 Section 7. Section **63G-2-302** is amended to read:

414 **63G-2-302. Private records.**

415 (1) The following records are private:

416 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
417 social services, welfare benefits, or the determination of benefit levels;

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

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

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

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

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

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

426 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,

427 unless the record is classified as public under legislative rule;

- 428 (e) records received or generated for a Senate confirmation committee concerning  
429 character, professional competence, or physical or mental health of an individual:
- 430 (i) if prior to the meeting, the chair of the committee determines release of the records:  
431 (A) reasonably could be expected to interfere with the investigation undertaken by the  
432 committee; or  
433 (B) would create a danger of depriving a person of a right to a fair proceeding or  
434 impartial hearing; and
- 435 (ii) after the meeting, if the meeting was closed to the public;
- 436 (f) employment records concerning a current or former employee of, or applicant for  
437 employment with, a governmental entity that would disclose that individual's home address,  
438 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
439 deductions;
- 440 (g) records or parts of records under Section 63G-2-303 that a current or former  
441 employee identifies as private according to the requirements of that section;
- 442 (h) that part of a record indicating a person's Social Security number or federal  
443 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
444 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 445 (i) that part of a voter registration record identifying a voter's:  
446 (i) driver license or identification card number;  
447 (ii) Social Security number, or last four digits of the Social Security number; or  
448 (iii) email address;
- 449 (j) a record that:  
450 (i) contains information about an individual;  
451 (ii) is voluntarily provided by the individual; and  
452 (iii) goes into an electronic database that:  
453 (A) is designated by and administered under the authority of the Chief Information  
454 Officer; and  
455 (B) acts as a repository of information about the individual that can be electronically  
456 retrieved and used to facilitate the individual's online interaction with a state agency;
- 457 (k) information provided to the Commissioner of Insurance under:  
458 (i) Subsection 31A-23a-115(2)(a);

- 459 (ii) Subsection 31A-23a-302(3); or
- 460 (iii) Subsection 31A-26-210(3);
- 461 (l) information obtained through a criminal background check under Title 11, Chapter
- 462 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 463 (m) information provided by an offender that is:
- 464 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 465 Offender Registry; and
- 466 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 467 (n) a statement and any supporting documentation filed with the attorney general in
- 468 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
- 469 homeland security;
- 470 (o) electronic toll collection customer account information received or collected under
- 471 Section 72-6-118, including contact and payment information and customer travel data;
- 472 (p) an email address provided by a military or overseas voter under Section
- 473 20A-16-501;
- 474 (q) a completed military-overseas ballot that is electronically transmitted under Title
- 475 20A, Chapter 16, Uniform Military and Overseas Voters Act; [~~and~~]
- 476 (r) records received by or generated by or for the Political Subdivisions Ethics Review
- 477 Commission established in Section 11-49-201, except for:
- 478 (i) the commission's summary data report that is required in Section 11-49-202; and
- 479 (ii) any other document that is classified as public in accordance with Title 11, Chapter
- 480 49, Political Subdivisions Ethics Review Commission[-]; and
- 481 (s) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
- 482 notified of an incident or threat.
- 483 (2) The following records are private if properly classified by a governmental entity:
- 484 (a) records concerning a current or former employee of, or applicant for employment
- 485 with a governmental entity, including performance evaluations and personal status information
- 486 such as race, religion, or disabilities, but not including records that are public under Subsection
- 487 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);
- 488 (b) records describing an individual's finances, except that the following are public:
- 489 (i) records described in Subsection 63G-2-301(2);



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

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

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

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

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

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

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

506 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
507 doctors, or affiliated entities are not private records or controlled records under Section  
508 63G-2-304 when the records are sought:

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

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

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