

1 **EDUCATIONAL RECORDS PROTECTION AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the disclosure of education records.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions related to the disclosure of education records as defined under
- 13 federal law; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63G-2-107**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

24 Section 1. Section **63G-2-107** is amended to read:

25 **63G-2-107. Disclosure of records subject to federal law.**

26 (1) Notwithstanding [~~the provisions of Subsections **63G-2-201**(6)(a) and (b)]~~
27 Subsection **63G-2-201**(6), this chapter does not apply to a record containing protected health
28 information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable
29 Health Information, if the record is:

30 ~~[(1)]~~ (a) controlled or maintained by a governmental entity; and
31 ~~[(2)]~~ (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of
32 Individually Identifiable Health Information.
33 (2) The disclosure of an education record as defined in the Family Educational Rights
34 and Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity
35 shall be governed by the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.