

2018 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVE FOIL

PUBLIC RECORDS: Exempts specified personally identifying information related to reports of violations of student codes of conduct or other policies intended for the safety of students or employees of postsecondary education institutions from the Public Records Law

1 AN ACT

2 To enact R.S. 44:4(55), relative to public records; to exempt specified personally identifiable
3 information related to violations of student codes of conduct and other policies of
4 postsecondary education institutions and management boards from the Public
5 Records Law; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:4(55) is hereby enacted to read as follows:

8 §4. Applicability

9 This Chapter shall not apply:

10 * * *

11 (55) To personally identifiable information of any person who reports a
12 violation of a student code of conduct or other policy intended for the safety of
13 students or employees of a postsecondary education institution, personally
14 identifiable information of any reported witness to the reported violation, and, if the
15 reported violation involves violence or abuse, personally identifiable information of
16 any person who may be a victim of violence or abuse directly related to the reported
17 violation if such information is in the custody or control of the postsecondary
18 education institution or management board and was received in accordance with
19 adopted, written policies applicable to the postsecondary education institution and

1 the students and employees of the postsecondary education institution, unless access
2 to the information is specifically required by other provisions of law of this state or
3 by federal law or is ordered by a court under rules of discovery.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 270 Original

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Abstract: Exempts from the Public Records Law personally identifiable information of persons who report a violation of a student code of conduct or other policy intended for the safety of students or employees of postsecondary education institutions, reported witnesses of such violations, and under certain circumstances, the reported victim.

Present law (R.S. 44:1 et seq. – Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Proposed law provides an exception for certain personally identifiable information in the custody or control of a postsecondary education institution or management board received in accordance with adopted, written policies applicable to the institution and the students and employees of the institution, unless access to the information is specifically required by other provisions of law of this state or by federal law or is ordered by a court under rules of discovery. Specifically exempts the personally identifiable information of any person who reports a violation of a student code of conduct or other policy intended for the safety of students or employees of a postsecondary education institution, personally identifiable information of any reported witness, and, if the reported violation involves violence or abuse, personally identifiable information of any person who may be the victim of the violence or abuse.

(Adds R.S. 44:4(55))