

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 614

2019 Regular Session

Miguez

PUBLIC RECORDS: Exempts certain information from the Public Records Law

Synopsis of Senate Amendments

1. Limit the proposed exemption to allow for the disclosure of a person's driver's license number to a person or entity eligible, pursuant to the federal Driver Privacy Protection Act, to receive driver's license or vehicle information contained in the records of the office of motor vehicles.
2. Add an exemption to the Public Records Law for patient healthcare data required by operation of law or regulation to be reported by a healthcare provider to the state.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 44:1 et seq.—Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons.

Proposed law provides that present law does not apply to patient healthcare data required by operation of law or regulation to be reported by a healthcare provider to the state without the express written consent of the patient or the patient's parent or legal guardian.

Proposed law provides that present law does not apply to the social security number, driver's license number, financial institution account number, credit or debit card number, or armed forces identification number of a private person who has submitted the information to a public body or official.

Proposed law provides that it does not apply to records recorded in the mortgage or conveyance records, records of a court, or marriage records. Provides that proposed law does not prohibit the disclosure of the driver's license number of a person to an insurer or insurance support organization, or a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting. Additionally provides that proposed law does not prohibit the disclosure of the driver's license number of a person to a person or entity eligible, pursuant to the federal Driver's Privacy Protection Act, to receive driver's license or vehicle information contained in the records of the office of motor vehicles.

Present law (R.S. 44:31.2) requires the attorney general to establish a program for educating the general public, public bodies, and custodians regarding the provisions of present law (the Public Records Law). Provides that the program may include brochures, pamphlets, videos, seminars, and Internet access to information which provides training on the provisions of present law, including the custodian's responsibilities in connection with a request for records and the right of a person to institute court proceedings if access to a record is denied by the custodian.

Proposed law retains present law. Additionally provides that the possibility that information submitted to a public body may become public record may be included in the public records awareness program.

Proposed law requires each custodian to use reasonable means to notify the public that information submitted to the public body may become public record pursuant to the provisions of present law.

(Amends R.S. 44:31.2 and 33.1; Adds R.S. 44:4(57) and (58))