

SENATE BILL NO. 289

BY SENATOR ABRAHAM

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AN ACT

To enact R.S. 44:3.7 and to repeal R.S. 44:4(56), relative to public records; to provide for exemptions to the public records law for certain university records; to provide for confidentiality of applicants for certain executive-level university positions; to provide for the privacy of university donors; to provide for the confidentiality of research and proprietary information at universities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:3.7 is hereby enacted to read as follows:

§3.7. Certain records of public postsecondary education institutions

A. Nothing in this Chapter shall be construed to require the disclosure of records, or the information contained therein, held by a public postsecondary education institution, which records are:

(1) Applications, resumes, or the personally identifiable information of an applicant for president, chancellor, senior vice chancellor, or athletic coach at the public postsecondary education institution, unless the applicant has authorized the disclosure of such records and information. This exemption shall expire once an applicant is approved for the position by the governing board, at which time the records of the top three finalists, including the approved applicant, shall become public. This exemption shall continue for any applicant that is not among the top three finalists for the position, unless the applicant has authorized the disclosure of such records and information.

(2) Any portion of a record that identifies the name of a donor to the

1 public postsecondary education institution or its affiliated foundation if the
2 donor has requested that his name remain confidential.

3 (3) Records that contain proprietary, unpublished, or incomplete
4 academic research and unsubmitted grant applications. This exception shall
5 expire upon the disclosure, publication, public announcement, or public
6 knowledge of the research or the grant application, upon the submission of the
7 related grant application, or upon the grant or denial of related intellectual
8 property rights.

9 (4)(a) Records of negotiations for industry partnerships with the
10 institution upon a determination by the custodian of records that disclosure of
11 the information would have a detrimental effect on the negotiations. The
12 custodian's determination shall be disclosed in response to a request for the
13 records.

14 (b) No information made confidential pursuant to this Paragraph shall
15 remain confidential for more than twelve months from the date of the
16 custodian's determination that disclosure would be detrimental; however, if the
17 negotiation remains active and the custodian makes a new determination that
18 the disclosure of the information would be detrimental to the negotiations, such
19 information shall remain confidential while the negotiation remains active, not
20 to exceed an additional six months.

21 B. This Chapter shall not apply to the personally identifiable information
22 of any person who reports a violation of a student code of conduct or other
23 policy intended for the safety of students or employees of a postsecondary
24 education institution, personally identifiable information of any reported
25 witness to the reported violation, and, if the reported violation involves violence
26 or abuse, personally identifiable information of any person who may be a victim
27 of violence or abuse directly related to the reported violation if such information
28 is in the custody or control of the postsecondary education institution or
29 management board and was received in accordance with adopted, written
30 policies applicable to the postsecondary education institution and the students

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

4 Section 2. R.S. 44:4(56) is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____