

PUBLIC TRANSIT DISTRICT CUSTOMER INFORMATION

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill modifies the Public Transit District Act and the Government Records Access and Management Act by amending provisions relating to public transit district customer information.

Highlighted Provisions:

This bill:

- ▶ classifies certain public transit district customer account information and travel data received or collected as a private record under the Government Records Access and Management Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-2a-815, as enacted by Laws of Utah 2007, Chapter 329

63G-2-302, as last amended by Laws of Utah 2012, Chapters 74, 145, and 202

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

Section 1. Section **17B-2a-815** is amended to read:

17B-2a-815. Rates and charges for service -- Fare collection information private.

30 (1) The board of trustees of a public transit district shall fix rates and charges for
31 service provided by the district by a two-thirds vote of all board members.

32 (2) Rates and charges shall:

33 (a) be reasonable; and

34 (b) to the extent practicable:

35 (i) result in enough revenue to make the public transit system self supporting; and

36 (ii) be sufficient to:

37 (A) pay for district operating expenses;

38 (B) provide for repairs, maintenance, and depreciation of works and property that the
39 district owns or operates;

40 (C) provide for the purchase, lease, or acquisition of property and equipment;

41 (D) pay the interest and principal of bonds that the district issues; and

42 (E) pay for contracts, agreements, leases, and other legal liabilities that the district
43 incurs.

44 (3) (a) In accordance with Section 63G-2-302, the following personal information
45 received by the district from a customer through any debit, credit, or electronic fare payment
46 process is a private record under Title 63G, Chapter 2, Government Records Access and
47 Management Act:

48 (i) travel data, including:

49 (A) the identity of the purchasing individual or entity;

50 (B) travel dates, times, or frequency of use; and

51 (C) locations of use;

52 (ii) service type or vehicle identification used by the customer;

53 (iii) the unique transit pass identifier assigned to the customer; or

54 (iv) customer account information, including the cardholder's name, the credit or debit
55 card number, the card issuer identification, or any other related information.

56 (b) Private records described in this Subsection (3) that are received by a public transit
57 district may only be disclosed in accordance with Section 63G-2-202.

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

59 **63G-2-302. Private records.**

60 (1) The following records are private:

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

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

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

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

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

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

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

71 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
72 unless the record is classified as public under legislative rule;

73 (e) records received or generated for a Senate confirmation committee concerning
74 character, professional competence, or physical or mental health of an individual:

75 (i) if, prior to the meeting, the chair of the committee determines release of the records:

76 (A) reasonably could be expected to interfere with the investigation undertaken by the
77 committee; or

78 (B) would create a danger of depriving a person of a right to a fair proceeding or
79 impartial hearing; and

80 (ii) after the meeting, if the meeting was closed to the public;

81 (f) employment records concerning a current or former employee of, or applicant for
82 employment with, a governmental entity that would disclose that individual's home address,
83 home telephone number, Social Security number, insurance coverage, marital status, or payroll
84 deductions;

85 (g) records or parts of records under Section 63G-2-303 that a current or former

86 employee identifies as private according to the requirements of that section;

87 (h) that part of a record indicating a person's Social Security number or federal
88 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
89 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

90 (i) that part of a voter registration record identifying a voter's:

91 (i) driver license or identification card number;

92 (ii) Social Security number, or last four digits of the Social Security number; or

93 (iii) email address;

94 (j) a record that:

95 (i) contains information about an individual;

96 (ii) is voluntarily provided by the individual; and

97 (iii) goes into an electronic database that:

98 (A) is designated by and administered under the authority of the Chief Information
99 Officer; and

100 (B) acts as a repository of information about the individual that can be electronically
101 retrieved and used to facilitate the individual's online interaction with a state agency;

102 (k) information provided to the Commissioner of Insurance under:

103 (i) Subsection 31A-23a-115(2)(a);

104 (ii) Subsection 31A-23a-302(3); or

105 (iii) Subsection 31A-26-210(3);

106 (l) information obtained through a criminal background check under Title 11, Chapter
107 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

108 (m) information provided by an offender that is:

109 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
110 Offender Registry; and

111 (ii) not required to be made available to the public under Subsection 77-41-110(4);

112 (n) a statement and any supporting documentation filed with the attorney general in
113 accordance with Section 34-45-107, if the federal law or action supporting the filing involves

114 homeland security;

115 (o) electronic toll collection customer account information received or collected under

116 Section 72-6-118 and customer information described in Section 17B-2a-815 received or

117 collected by a public transit district, including contact and payment information and customer

118 travel data;

119 (p) an email address provided by a military or overseas voter under Section

120 20A-16-501;

121 (q) a completed military-overseas ballot that is electronically transmitted under Title

122 20A, Chapter 16, Uniform Military and Overseas Voters Act; and

123 (r) records received by or generated by or for the Political Subdivisions Ethics Review

124 Commission established in Section 11-49-201, except for:

125 (i) the commission's summary data report that is required in Section 11-49-202; and

126 (ii) any other document that is classified as public in accordance with Title 11, Chapter

127 49, Political Subdivisions Ethics Review Commission.

128 (2) The following records are private if properly classified by a governmental entity:

129 (a) records concerning a current or former employee of, or applicant for employment

130 with, a governmental entity, including performance evaluations and personal status information

131 such as race, religion, or disabilities, but not including records that are public under Subsection

132 63G-2-301(2)(b) or 63G-2-301(3)(o)[;] or private under Subsection (1)(b);

133 (b) records describing an individual's finances, except that the following are public:

134 (i) records described in Subsection 63G-2-301(2);

135 (ii) information provided to the governmental entity for the purpose of complying with

136 a financial assurance requirement; or

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

138 (c) records of independent state agencies if the disclosure of those records would

139 conflict with the fiduciary obligations of the agency;

140 (d) other records containing data on individuals the disclosure of which constitutes a

141 clearly unwarranted invasion of personal privacy;

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

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

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

151 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
152 doctors, or affiliated entities are not private records or controlled records under Section
153 63G-2-304 when the records are sought:

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

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

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