2020 Regular Session

HOUSE BILL NO. 740

BY REPRESENTATIVE WRIGHT

COLLEGES/UNIVERSITIES: Prohibits public postsecondary education institutions from disclosing certain student information

1	AN ACT
2	To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:3137, relative to public
3	postsecondary education institutions; to prohibit postsecondary education institutions
4	from disclosing certain information relative to students and their parents and legal
5	guardians; to provide for exceptions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 17:3137 is hereby enacted to read as follows:
8	§3137. Student information; prohibition on disclosure
9	A. Except as provided in Subsection B of this Section, no official or
10	employee of a public postsecondary education institution shall disclose to anyone for
11	any purpose the following information without the affirmative written consent of the
12	person to which the information pertains:
13	(1) The contact information or personally identifiable information for a
14	student as listed in student directory information pursuant to the Family Educational
15	Rights and Privacy Act. If the student is under the age of eighteen and not
16	emancipated, such information may be shared upon the affirmative written consent
17	of his parent or legal guardian.
18	(2) The contact information or personally identifiable information for the
19	parent or legal guardian of a student.

1	B. An official or employee of a public postsecondary education institution
2	may disclose such contact information and personally identifiable information:
3	(1) To an official or employee of a public postsecondary education
4	institution or public agency who needs the information to perform his official duties.
5	(2) In response to a subpoena, discovery request, or court order compelling
6	its production.
7	C. For the purposes of this Section:
8	(1) "Contact information" means an electronic mail address or a telephone
9	number.
10	(2) "Personally identifiable information" has the same meaning as in R.S.
11	<u>17:3914.</u>
12	(3) "Parent or legal guardian" has the same meaning as in R.S. 17:3914.
13	Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:
14	§4.1. Exceptions
15	* * *
16	B. The legislature further recognizes that there exist exceptions, exemptions,
17	and limitations to the laws pertaining to public records throughout the revised
18	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
19	limitations are hereby continued in effect by incorporation into this Chapter by
20	citation:
21	* * *
22	(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,
23	1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, <u>3137,</u> 3390,
24	3773, 3884
25	* * *

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 740 Engrossed	2020 Regular Session	Wright
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Abstract: Prohibits public postsecondary education institutions from disclosing certain information pertaining to students and their parents.

<u>Proposed law</u> prohibits an official or employee of a public postsecondary education institution from disclosing to anyone for any purpose the following information without the affirmative written consent of the person to which the information pertains:

- (1) The contact information or personally identifiable information for a student. If the student is under the age of 18 and not emancipated, such information may be shared upon the affirmative written consent of his parent or legal guardian.
- (2) The contact information or personally identifiable information for the parent or legal guardian of a student.

<u>Proposed law</u> provides an exception to this prohibition by authorizing the disclosure of such information:

- (1) To an employee or official of a public postsecondary education institution or public agency who needs the information to perform his official duties.
- (2) In response to a subpoena, discovery request, or court order compelling its production.

<u>Proposed law</u> defines "contact information" as an e-mail address or phone number and provides that "personally identifiable information" has the same definition as in <u>present law</u> relative to student data privacy.

(Amends R.S. 44:4.1(B)(9); Adds R.S. 17:3137)

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Education</u> to the <u>original</u> bill:
- 1. Broaden exception to the prohibition on sharing information to allow it to be shared with an employee of any public postsecondary education institution or public agency who needs it to perform official duties.
- 2. Remove postal address from definition of contact information.