

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 504

Representative Schuring

A BILL

To amend section 3333.0412 of the Revised Code to
generally protect a private, nonprofit
institution of higher education from liability
for a breach of confidentiality or other claim
that arises from the institution's disclosure of
public records. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3333.0412 of the Revised Code be
amended to read as follows: 7
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Sec. 3333.0412. (A) No nonprofit institution that holds a
certificate of authorization issued under Chapter 1713. of the
Revised Code shall be liable for a breach of confidentiality
arising from the institution's submission of student data or
records to the chancellor of higher education or any other state
agency in compliance with any law, rule, or regulation, provided
that the breach occurs as a result of one of the following: 9
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~~(A)~~ (1) An action by a third party during and after the
transmission of the data or records by the institution but prior
to receipt of the data or records by the chancellor of higher
education or other state agency; 16
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~~(B)~~ (2) An action by the chancellor of higher education or
the state agency. 20
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(B) No nonprofit institution that holds a certificate of 22
authorization issued under Chapter 1713. of the Revised Code 23
shall be liable for a breach of confidentiality or any other 24
claim that arises from the institution's disclosure of the 25
public records pursuant to a request for public records made 26
under section 149.43 of the Revised Code, except for claims 27
based on the institution's failure to disclose public records as 28
required by law. 29

This provision shall apply to the submission of any 30
student data or records that are subject to any laws of this 31
state or, to the extent permitted, any federal law, including 32
the "Family Educational Rights and Privacy Act of 1974," 88 33
Stat. 571, 20 U.S.C. 1232g. 34

Section 2. That existing section 3333.0412 of the Revised 35
Code is hereby repealed. 36