

Senate Bill 405

By: Senators Miller of the 49th, Jackson of the 24th, Wilkinson of the 50th, Orrock of the 36th, Albers of the 56th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to the Office of Student Achievement, so as to provide that a private  
3 college that submits confidential student data and records to the Department of Education  
4 shall not be liable for the breach of the confidentiality of such data and records by the  
5 Department of Education; to provide for related matters; to provide an effective date; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated,  
10 relating to the Office of Student Achievement, is amended by adding a new Code section to  
11 read as follows:

12 "20-14-29.

13 (a) When private colleges and universities in this state provide the Department of  
14 Education with confidential student data or records concerning students enrolled in such  
15 private colleges and universities, such private colleges and universities shall not be held  
16 liable in any court in this state for any breach of confidentiality, disclosure, use, retention,  
17 or destruction of such information if such breach, disclosure, use, retention, or destruction  
18 resulted from actions of the Department of Education or its staff and not from the  
19 transmission of the information by the private college or university before such information  
20 reached the Department of Education.

21 (b) This Code section shall apply to any student data or records that are confidential under  
22 any law of this state or any federal law, including, but not limited to, the federal Family  
23 Educational Rights and Privacy Act, 20 U.S.C. Section 1232g."

24 **SECTION 2.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law  
26 without such approval.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.