

1 AN ACT relating to state-funded data.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For purposes of this section:*

6 *(a) "Data" means information that was:*

7 *1. Provided, in whole or in part, by a state agency or any other entity on*
8 *its behalf to a public university; or*

9 *2. a. Generated, collected, produced, or created on behalf of a state*
10 *agency; and*

11 *b. Paid for, in whole or in part, by the Commonwealth of Kentucky;*

12 *(b) "Eligible non-state entity" means an entity that, pertaining to data*
13 *requested under this section, is subject to:*

14 *1. Protocols that are approved by an institutional review board; or*

15 *2. Limited data set requirements under the federal Health Insurance*
16 *Portability and Accountability Act of 1996 privacy regulations as*
17 *described in 45 C.F.R. sec. 164.514; and*

18 *(c) "State agency" means any organizational unit or administrative body as*
19 *defined in KRS 12.010 and does not include colleges and universities that*
20 *are part of the postsecondary education system defined in KRS 164.001.*

21 *(2) Upon written request from a state agency or eligible non-state entity, a public*
22 *university shall provide data, including outcomes data, that is in the university's*
23 *possession or control.*

24 *(3) The data shall be provided in an agreed-upon reasonable timeframe, at a*
25 *reasonable cost, and in a format that is usable for data analysis.*

26 *(4) In the event a public university does not comply with the requirements of this*
27 *section, a state agency or eligible non-state entity may refer the issue to the*

- 1 Attorney General for investigation and further action.
- 2 (5) Nothing in this section shall be construed to prohibit a state agency from sharing
- 3 data with an entity that is not a state agency.
- 4 (6) Nothing in this section shall preclude the provisions of any agreement or contract
- 5 between a state agency or eligible non-state entity and a public university
- 6 regarding the sharing of data.