

**UPDATED SUMMARY
SENATE BILL 16-056**

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

The bill broadens the protections of the state whistleblower protection law by specifying that no appointing authority or supervisor may take disciplinary action against a state employee for disclosing information that is not subject to public inspection under the "Colorado Open Records Act", or that is confidential under any other provision of law, to any of the following state entities that are designated as whistleblower review agencies:

- ! ~~The office of legislative legal services~~ *state attorney general or the attorney general's designee, unless the information disclosed involves an officer or employee of the department of law;*
- ! ~~The state attorney general~~ *director of the office of legislative legal services or the director's designee; or*
- ! ~~The commission on judicial discipline~~ *state court administrator or the state court administrator's designee.*

The bill requires whistleblower review agencies to:

- ! ~~Confer with each other within~~ *Within 30 days of receiving information and agree on whether information* disclosed to a whistleblower review agency, *determine in writing whether the information* is confidential under law and, if so, to maintain the confidentiality of information if required by law;
- ! *If a whistleblower review agency determines that any information disclosed to the whistleblower review agency includes trade secrets, or confidential commercial, financial, geological, or geophysical data, the whistleblower review agency shall maintain the confidential nature of the information. If there is substantial likelihood that information disclosed to a whistleblower review agency will be released to the public, the whistleblower review agency shall, if possible, immediately give written notice to the owner of the information. Any person notified who could be harmed by the release of the information may, within 30 days after receiving notice, file an action in district court for the city and county of Denver for injunctive relief prohibiting release of the information.*
- ! Release information to members of the general assembly and to the public if information is determined to be releasable;
- ! Maintain records of information disclosed to whistleblower review agencies and the decisions of the whistleblower review agencies with respect to the information; and
- ! Designate a person or persons as a point of contact for whistleblower review agency activities and publicize the information.

Within 60 days after receiving any information, a whistleblower review agency may confer with and transfer the information to the entity having jurisdiction or authority to investigate any allegation of unlawful behavior.

If the designated point of contact person or persons become aware that information from public records that are closed to inspection under the "Colorado Open Records Act" (CORA) or otherwise confidential under law has been disclosed at any time without lawful authority, the designated point of contact person or persons shall make reasonable efforts to notify the owner of the information within a reasonable time.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.