

1 **Government Records Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Wayne A. Harper
 House Sponsor:

2
 3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to the Government Records Access and Management
 6 Act.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ requires a summary of government records requirements to be developed and provided to
 11 employees of a governmental entity;
- 12 ▶ modifies provisions relating to fees charged in relation to a record request;
- 13 ▶ modifies requirements for responding to a record request, including:
 - 14 • deadlines;
 - 15 • a request for an expedited response;
 - 16 • appeals; and
 - 17 • other requirements;
- 18 ▶ adds certain federal employees to the definition of an "at-risk government employee";
- 19 ▶ modifies provisions relating to certain protected records;
- 20 ▶ requires a governmental entity to conduct an annual review of records retention
 21 requirements and compliance with those requirements;
- 22 ▶ amends requirements for an ordinance or policy adopted by a political subdivision in
 23 relation to public records;
- 24 ▶ makes it a crime to destroy a record with the intent to avoid disclosure in response to a
 25 pending record request; and
- 26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

- 33 **20A-2-104**, as last amended by Laws of Utah 2025, Chapters 381, 448
 34 **20A-11-1205**, as last amended by Laws of Utah 2025, Chapter 476
 35 **63G-2-103**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
 36 **63G-2-107**, as last amended by Laws of Utah 2024, Chapters 18, 381
 37 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476
 38 **63G-2-203**, as last amended by Laws of Utah 2025, Chapter 33
 39 **63G-2-204**, as last amended by Laws of Utah 2023, Chapter 173
 40 **63G-2-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
 41 **63G-2-303**, as last amended by Laws of Utah 2025, Chapter 208
 42 **63G-2-305**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
 43 **63G-2-400.5**, as last amended by Laws of Utah 2025, Chapter 476
 44 **63G-2-401**, as last amended by Laws of Utah 2025, Chapter 476
 45 **63G-2-403**, as last amended by Laws of Utah 2025, Chapter 476
 46 **63G-2-604**, as last amended by Laws of Utah 2023, Chapters 173, 516
 47 **63G-2-701**, as last amended by Laws of Utah 2025, Chapter 476
 48 **63G-2-801**, as last amended by Laws of Utah 2025, Chapters 188, 208 and 476
 49 **77-27-5**, as last amended by Laws of Utah 2025, Chapters 476, 526

50 ENACTS:

- 51 **63A-12-117**, Utah Code Annotated 1953
 52 **63G-2-605**, Utah Code Annotated 1953

54 *Be it enacted by the Legislature of the state of Utah:*

55 Section 1. Section **20A-2-104** is amended to read:

56 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**

57 (1) As used in this section:

- 58 (a) "Candidate for public office" means an individual:
 59 (i) who files a declaration of candidacy for a public office;
 60 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
 61 (iii) employed by, under contract with, or a volunteer of, an individual described in
 62 Subsection (1)(a)(i) or (ii) for political campaign purposes.
 63 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
 64 the federal Violence Against Women Act of 1994, as amended.

- 65 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
- 66 the federal Violence Against Women Act of 1994, as amended.
- 67 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
- 68 produce a code that:
- 69 (i) uniquely represents the set of data;
- 70 (ii) is always the same if the same algorithm is applied to the same set of data; and
- 71 (iii) cannot be reversed to reveal the data applied to the algorithm.
- 72 (e) "Protected individual" means an individual:
- 73 (i) who submits a withholding request form with the individual's voter registration
- 74 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 75 on the form that the individual, or an individual who resides with the individual, is
- 76 a victim of domestic violence or dating violence or is likely to be a victim of
- 77 domestic violence or dating violence;
- 78 (ii) who submits a withholding request form with the individual's voter registration
- 79 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 80 on the form and provides verification that the individual, or an individual who
- 81 resides with the individual, is a law enforcement officer, a member of the armed
- 82 forces as defined in Section 20A-1-513, a public figure, or protected by a
- 83 protective order or protection order; or
- 84 (iii) whose voter registration record was classified as a private record at the request of
- 85 the individual before May 12, 2020.

86 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,

87 shall complete a voter registration form in substantially the following form:

88 -----

89 UTAH ELECTION REGISTRATION FORM

90 Are you a citizen of the United States of America? Yes No

91 If you checked "no" to the above question, do not complete this form.

92 Will you be 18 years of age on or before election day? Yes No

93 If you checked "no" to the above question, are you 16 or 17 years of age and

94 preregistering to vote? Yes No

95 If you checked "no" to both of the prior two questions, do not complete this form.

96 Name of Voter

97 _____

98 First Middle Last

99 Utah Driver License or Utah Identification Card
 100 Number _____
 101 Date of Birth _____
 102 Street Address of Principal Place of Residence
 103 _____
 104 City County State Zip Code
 105 Telephone Number (optional) _____
 106 Email Address (optional) _____
 107 Last four digits of Social Security Number _____
 108 Last former address at which I was registered to vote (if
 109 known) _____

110 _____
 111 City County State Zip Code
 112 Political Party
 113 (a listing of each registered political party, as defined in Section 20A-8-101 and
 114 maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded
 115 by a checkbox)
 116 Unaffiliated (no political party preference) Other (Please
 117 specify) _____

118 I do swear (or affirm), subject to penalty of law for false statements, that the information
 119 contained in this form is true, and that I am a citizen of the United States and a resident of the
 120 state of Utah, residing at the above address. Unless I have indicated above that I am
 121 preregistering to vote in a later election, I will be at least 18 years of age and will have resided
 122 in Utah for 30 calendar days immediately before the next election. I am not a convicted felon
 123 currently incarcerated for commission of a felony.

124 Signed and sworn
 125 _____
 126 Voter's Signature
 127 _____(month/day/year).

128 **PRIVACY INFORMATION**
 129 Voter registration records contain some information that is available to the public, such
 130 as your name and address, some information that is available only to government entities, and
 131 some information that is available only to certain third parties in accordance with the
 132 requirements of law.

133 Your driver license number, identification card number, social security number, email
134 address, full date of birth, and phone number are available only to government entities. Your
135 year of birth is available to political parties, candidates for public office, certain third parties,
136 and their contractors, employees, and volunteers, in accordance with the requirements of law.

137 You may request that all information on your voter registration records be withheld from
138 all persons other than government entities, political parties, candidates for public office, and
139 their contractors, employees, and volunteers, by indicating here:

140 _____ Yes, I request that all information on my voter registration records be withheld
141 from all persons other than government entities, political parties, candidates for public office,
142 and their contractors, employees, and volunteers.

143 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

144 In addition to the protections provided above, you may request that identifying
145 information on your voter registration records be withheld from all political parties, candidates
146 for public office, and their contractors, employees, and volunteers, by submitting a
147 withholding request form, and any required verification, as described in the following
148 paragraphs.

149 A person may request that identifying information on the person's voter registration
150 records be withheld from all political parties, candidates for public office, and their
151 contractors, employees, and volunteers, by submitting a withholding request form with this
152 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
153 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
154 violence.

155 A person may request that identifying information on the person's voter registration
156 records be withheld from all political parties, candidates for public office, and their
157 contractors, employees, and volunteers, by submitting a withholding request form and any
158 required verification with this registration form, or to the lieutenant governor or a county clerk,
159 if the person is, or resides with a person who is, a law enforcement officer, a member of the
160 armed forces, a public figure, or protected by a protective order or a protection order.

161 CITIZENSHIP AFFIDAVIT

162 Name:

163 Name at birth, if different:

164 Place of birth:

165 Date of birth:

166 Date and place of naturalization (if applicable):

167 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
168 citizen and that to the best of my knowledge and belief the information above is true and
169 correct.

170 _____
171 Signature of Applicant

172 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
173 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
174 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

175 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
176 VOTER IDENTIFICATION TO THE POLL WORKER, IN ACCORDANCE WITH THE
177 REQUIREMENTS OF LAW.

178 FOR OFFICIAL USE ONLY

179 Type of I.D. _____
180 Voting Precinct _____
181 Voting I.D. Number _____

182 -----
183 (b) The voter registration form described in Subsection (2)(a) shall include:

184 (i) a section in substantially the following form:

185 "-----"

186 BALLOT NOTIFICATIONS

187 Do you consent to receive communications about the status of your ballot and other official
188 communications, by text, at the phone number you provided above? Yes No

189 -----";

190 and

191 (ii) no later than November 5, 2025, the following, immediately after the question described in
192 Subsection (2)(b)(i):

193 "Indicate below how you want to vote in upcoming elections:

194 _____ Mail a ballot to me.

195 _____ Do not mail a ballot to me. I will vote in person."

196 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a
197 copy of each voter registration form in a permanent countywide alphabetical file,
198 which may be electronic or some other recognized system.

199 (ii) The county clerk may transfer a superseded voter registration form to the
200 Division of Archives and Records Service created under Section 63A-12-101.

- 201 (3)(a) Each county clerk shall retain lists of currently registered voters.
- 202 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 203 (c) If there are any discrepancies between the two lists, the county clerk's list is the
- 204 official list.
- 205 (d) The lieutenant governor and the county clerks may charge the fees established under
- 206 the authority of Subsection [~~63G-2-203(10)~~] 63G-2-203(11) to individuals who wish
- 207 to obtain a copy of the list of registered voters.
- 208 (4)(a) As used in this Subsection (4), "qualified person" means:
- 209 (i) a government official or government employee acting in the government official's
- 210 or government employee's capacity as a government official or a government
- 211 employee;
- 212 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
- 213 independent contractor of a health care provider;
- 214 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
- 215 or independent contractor of an insurance company;
- 216 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
- 217 independent contractor of a financial institution;
- 218 (v) a political party, or an agent, employee, or independent contractor of a political
- 219 party;
- 220 (vi) a candidate for public office, or an employee, independent contractor, or
- 221 volunteer of a candidate for public office;
- 222 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
- 223 year of birth from the list of registered voters:
- 224 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
- 225 through (vi);
- 226 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
- 227 described in Subsections (4)(a)(i) through (vi);
- 228 (C) ensures, using industry standard security measures, that the year of birth may
- 229 not be accessed by a person other than a person described in Subsections
- 230 (4)(a)(i) through (vi);
- 231 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
- 232 whom the person provides the year of birth will only use the year of birth to
- 233 verify the accuracy of personal information submitted by an individual or to
- 234 confirm the identity of a person in order to prevent fraud, waste, or abuse;

- 235 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person
236 provides the year of birth will only use the year of birth in the person's capacity
237 as a government official or government employee; and
- 238 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
239 person provides the year of birth will only use the year of birth for a political
240 purpose of the political party or candidate for public office; or
- 241 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
242 information under Subsection (4)(n) and (o):
- 243 (A) provides the information only to another person described in Subsection
244 (4)(a)(v) or (vi);
- 245 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
246 person described in Subsection (4)(a)(v) or (vi);
- 247 (C) ensures, using industry standard security measures, that the information may
248 not be accessed by a person other than a person described in Subsection
249 (4)(a)(v) or (vi); and
- 250 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
251 person provides the information will only use the information for a political
252 purpose of the political party or candidate for public office.
- 253 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
254 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
255 when providing the list of registered voters to a qualified person under this section,
256 include, with the list, the years of birth of the registered voters, if:
- 257 (i) the lieutenant governor or a county clerk verifies the identity of the person and
258 that the person is a qualified person; and
- 259 (ii) the qualified person signs a document that includes the following:
- 260 (A) the name, address, and telephone number of the person requesting the list of
261 registered voters;
- 262 (B) an indication of the type of qualified person that the person requesting the list
263 claims to be;
- 264 (C) a statement regarding the purpose for which the person desires to obtain the
265 years of birth;
- 266 (D) a list of the purposes for which the qualified person may use the year of birth
267 of a registered voter that is obtained from the list of registered voters;
- 268 (E) a statement that the year of birth of a registered voter that is obtained from the

- 269 list of registered voters may not be provided or used for a purpose other than a
270 purpose described under Subsection (4)(b)(ii)(D);
- 271 (F) a statement that if the person obtains the year of birth of a registered voter
272 from the list of registered voters under false pretenses, or provides or uses the
273 year of birth of a registered voter that is obtained from the list of registered
274 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
275 and is subject to a civil fine;
- 276 (G) an assertion from the person that the person will not provide or use the year of
277 birth of a registered voter that is obtained from the list of registered voters in a
278 manner that is prohibited by law; and
- 279 (H) notice that if the person makes a false statement in the document, the person is
280 punishable by law under Section 76-8-504.
- 281 (c) The lieutenant governor or a county clerk:
- 282 (i) may not disclose the year of birth of a registered voter to a person that the
283 lieutenant governor or county clerk reasonably believes:
- 284 (A) is not a qualified person or a person described in Subsection (4)(l); or
285 (B) will provide or use the year of birth in a manner prohibited by law; and
- 286 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
287 lieutenant governor or county clerk reasonably believes:
- 288 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
289 (B) will provide or use the information in a manner prohibited by law.
- 290 (d) The lieutenant governor or a county clerk may not disclose the voter registration
291 form of a person, or information included in the person's voter registration form,
292 whose voter registration form is classified as private under Subsection (4)(h) to a
293 person other than:
- 294 (i) a government official or government employee acting in the government official's
295 or government employee's capacity as a government official or government
296 employee; or
- 297 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for
298 a political purpose.
- 299 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
300 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk
301 shall exclude the information described in Subsection 63G-2-302(1)(j), other than
302 the year of birth.

- 303 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
304 voter registration record of a protected individual, the lieutenant governor or
305 county clerk shall comply with Subsections (4)(n) through (p).
- 306 (f) The lieutenant governor or a county clerk may not disclose a withholding request
307 form, described in Subsections (7) and (8), submitted by an individual, or information
308 obtained from that form, to a person other than a government official or government
309 employee acting in the government official's or government employee's capacity as a
310 government official or government employee.
- 311 (g) A person is guilty of a class A misdemeanor if the person:
- 312 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
313 a registered voter or information described in Subsection (4)(n) or (o);
- 314 (ii) uses or provides the year of birth of a registered voter, or information described in
315 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
316 manner that is not permitted by law;
- 317 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
318 under false pretenses;
- 319 (iv) uses or provides information obtained from a voter registration record described
320 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 321 (v) unlawfully discloses or obtains a voter registration record withheld under
322 Subsection (7) or a withholding request form described in Subsections (7) and (8);
323 or
- 324 (vi) unlawfully discloses or obtains information from a voter registration record
325 withheld under Subsection (7) or a withholding request form described in
326 Subsections (7) and (8).
- 327 (h) The lieutenant governor or a county clerk shall classify the voter registration record
328 of a voter as a private record if the voter:
- 329 (i) submits a written application, created by the lieutenant governor, requesting that
330 the voter's voter registration record be classified as private;
- 331 (ii) requests on the voter's voter registration form that the voter's voter registration
332 record be classified as a private record; or
- 333 (iii) submits a withholding request form described in Subsection (7) and any required
334 verification.
- 335 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a
336 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a

- 337 voter registration record, or information obtained from a voter registration record, if
338 the record is withheld under Subsection (7).
- 339 (j) In addition to any criminal penalty that may be imposed under this section, the
340 lieutenant governor may impose a civil fine against a person who violates a provision
341 of this section, in an amount equal to the greater of:
- 342 (i) the product of 30 and the square root of the total number of:
- 343 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
344 dollar; or
- 345 (B) records from which information is obtained, provided, or used unlawfully,
346 rounded to the nearest whole dollar; or
- 347 (ii) \$200.
- 348 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
349 voter, if the year of birth is obtained from the list of registered voters or from a voter
350 registration record, unless the person:
- 351 (i) is a government official or government employee who obtains, provides, or uses
352 the year of birth in the government official's or government employee's capacity
353 as a government official or government employee;
- 354 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
355 uses the year of birth only to verify the accuracy of personal information
356 submitted by an individual or to confirm the identity of a person in order to
357 prevent fraud, waste, or abuse;
- 358 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
359 provides, or uses the year of birth for a political purpose of the political party or
360 candidate for public office; or
- 361 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
362 uses the year of birth to provide the year of birth to another qualified person to
363 verify the accuracy of personal information submitted by an individual or to
364 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 365 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of
366 the media, in relation to an individual designated by the member of the media, in
367 order for the member of the media to verify the identity of the individual.
- 368 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
369 information from a voter registration record for a purpose other than a political
370 purpose.

- 371 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a
372 county clerk shall, when providing the list of registered voters to a qualified person
373 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose
374 record is withheld under Subsection (7), the information described in Subsection
375 (4)(o), if:
- 376 (i) the lieutenant governor or a county clerk verifies the identity of the person and
377 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
 - 378 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
379 that includes the following:
 - 380 (A) the name, address, and telephone number of the person requesting the list of
381 registered voters;
 - 382 (B) an indication of the type of qualified person that the person requesting the list
383 claims to be;
 - 384 (C) a statement regarding the purpose for which the person desires to obtain the
385 information;
 - 386 (D) a list of the purposes for which the qualified person may use the information;
 - 387 (E) a statement that the information may not be provided or used for a purpose
388 other than a purpose described under Subsection (4)(n)(ii)(D);
 - 389 (F) a statement that if the person obtains the information under false pretenses, or
390 provides or uses the information in a manner that is prohibited by law, the
391 person is guilty of a class A misdemeanor and is subject to a civil fine;
 - 392 (G) an assertion from the person that the person will not provide or use the
393 information in a manner that is prohibited by law; and
 - 394 (H) notice that if the person makes a false statement in the document, the person is
395 punishable by law under Section 76-8-504.
- 396 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor
397 or a county clerk is required to provide, under Subsection (4)(n), from the record of a
398 protected individual is:
- 399 (i) a single hash code, generated from a string of data that includes both the voter's
400 voter identification number and residential address;
 - 401 (ii) the voter's residential address;
 - 402 (iii) the voter's mailing address, if different from the voter's residential address;
 - 403 (iv) the party affiliation of the voter;
 - 404 (v) the precinct number for the voter's residential address;

- 405 (vi) the voter's voting history; and
- 406 (vii) a designation of which age group, of the following age groups, the voter falls
- 407 within:
- 408 (A) 25 or younger;
- 409 (B) 26 through 35;
- 410 (C) 36 through 45;
- 411 (D) 46 through 55;
- 412 (E) 56 through 65;
- 413 (F) 66 through 75; or
- 414 (G) 76 or older.
- 415 (p) The lieutenant governor or a county clerk may not disclose:
- 416 (i) information described in Subsection (4)(o) that, due to a small number of voters
- 417 affiliated with a particular political party, or due to another reason, would likely
- 418 reveal the identity of a voter if disclosed; or
- 419 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
- 420 county clerk determines that the nature of the address would directly reveal
- 421 sensitive information about the voter.
- 422 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
- 423 or use the information described in Subsection (4)(n) or (o), except to the extent that
- 424 the qualified person uses the information for a political purpose of a political party or
- 425 candidate for public office.
- 426 (5) When political parties not listed on the voter registration form qualify as registered
- 427 political parties under Chapter 8, Political Party Formation and Procedures, the
- 428 lieutenant governor shall inform the county clerks of the name of the new political party
- 429 and direct the county clerks to ensure that the voter registration form is modified to
- 430 include that political party.
- 431 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
- 432 clerk's designee shall:
- 433 (a) review each voter registration form for completeness and accuracy; and
- 434 (b) if the county clerk believes, based upon a review of the form, that an individual may
- 435 be seeking to register or preregister to vote who is not legally entitled to register or
- 436 preregister to vote, refer the form to the county attorney for investigation and
- 437 possible prosecution.
- 438 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a

- 439 person described in Subsection (4)(a)(i), the voter registration record, and information
440 obtained from the voter registration record, of a protected individual.
- 441 (8)(a) The lieutenant governor shall design and distribute a withholding request form for
442 the purpose described in Subsections (1)(e)(i), (1)(e)(ii), (7), and this Subsection (8)
443 to each election officer and to each agency that provides a voter registration form.
- 444 (b) An individual described in Subsection (1)(e)(i) is not required to provide
445 verification, other than the individual's attestation and signature on the withholding
446 request form, that the individual, or an individual who resides with the individual, is a
447 victim of domestic violence or dating violence or is likely to be a victim of domestic
448 violence or dating violence.
- 449 (c) The director of elections within the Office of the Lieutenant Governor shall make
450 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
451 establishing requirements for providing the verification described in Subsection
452 (1)(e)(ii).
- 453 (9) An election officer or an employee of an election officer may not encourage an
454 individual to submit, or discourage an individual from submitting, a withholding request
455 form.
- 456 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to
457 registered voters who are protected individuals, that includes the following
458 information:
- 459 (i) that the voter's classification of the record as private remains in effect;
460 (ii) that certain non-identifying information from the voter's voter registration record
461 may, under certain circumstances, be released to political parties and candidates
462 for public office;
463 (iii) that the voter's name, driver license or identification card number, social security
464 number, email address, phone number, and the voter's day, month, and year of
465 birth will remain private and will not be released to political parties or candidates
466 for public office;
467 (iv) that a county clerk will only release the information to political parties and
468 candidates in a manner that does not associate the information with a particular
469 voter; and
470 (v) that a county clerk may, under certain circumstances, withhold other information
471 that the county clerk determines would reveal identifying information about the
472 voter.

- 473 (b) The lieutenant governor may include in the notice described in this Subsection (10) a
474 statement that a voter may obtain additional information on the lieutenant governor's
475 website.
- 476 (c) The plan described in Subsection (10)(a) may include providing the notice described
477 in Subsection (10)(a) by:
- 478 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
 - 479 (ii) publication on the lieutenant governor's website or a county's website;
 - 480 (iii) posting the notice in public locations;
 - 481 (iv) publication in a newspaper;
 - 482 (v) sending notification to the voters by electronic means;
 - 483 (vi) sending notice by other methods used by government entities to communicate
484 with citizens; or
 - 485 (vii) providing notice by any other method.
- 486 (d) The lieutenant governor shall provide the notice included in a plan described in this
487 Subsection (10) before June 16, 2023.

488 Section 2. Section **20A-11-1205** is amended to read:

489 **20A-11-1205 . Use of public email for a political purpose.**

- 490 (1) Except as provided in Subsection (5), a person may not send an email using the email of
491 a public entity:
- 492 (a) for a political purpose;
 - 493 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,
494 referendum, a proposed bond, a bond, or any ballot proposition; or
 - 495 (c) to solicit a campaign contribution.
- 496 (2)(a) The lieutenant governor shall, after giving the person and the complainant notice
497 and an opportunity to be heard, impose a civil fine against a person who violates
498 Subsection (1) as follows:
- 499 (i) up to \$250 for a first violation; and
 - 500 (ii) except as provided in Subsection (3), for each subsequent violation committed
501 after the lieutenant governor imposes a fine against the person for a first violation,
502 \$1,000 multiplied by the number of violations committed by the person.
- 503 (b) A person may, within 30 days after the day on which the lieutenant governor
504 imposes a fine against the person under this Subsection (2), appeal the fine to a
505 district court.
- 506 (3) The lieutenant governor shall consider a violation of this section as a first violation if

- 507 the violation is committed more than seven years after the day on which the person last
508 committed a violation of this section.
- 509 (4) For purposes of this section, one violation means one act of sending an email, regardless
510 of the number of recipients of the email.
- 511 (5) A person does not violate this section if:
- 512 (a) the lieutenant governor finds that the email described in Subsection (1) was
513 inadvertently sent by the person using the email of a public entity;
- 514 (b) the person is directly providing information solely to another person or a group of
515 people in response to a question asked by the other person or group of people;
- 516 (c) the information the person emails is an argument or rebuttal argument prepared
517 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing
518 argument and rebuttal argument that:
- 519 (i) relates to the same proposed initiative, initiative, proposed referendum, or
520 referendum; and
- 521 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 522 (d) the person is engaging in:
- 523 (i) an internal communication solely within the public entity;
- 524 (ii) a communication solely with another public entity;
- 525 (iii) a communication solely with legal counsel;
- 526 (iv) a communication solely with the sponsors of an initiative or referendum;
- 527 (v) a communication solely with a land developer for a project permitted by a local
528 land use law that is challenged by a proposed referendum or a referendum; or
- 529 (vi) a communication solely with a person involved in a business transaction directly
530 relating to a project described in Subsection (5)(d)(v).
- 531 (6) A violation of this section does not invalidate an otherwise valid election.
- 532 (7) An email sent in violation of Subsection (1), as determined by the records officer,
533 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of
534 Title 63G, Chapter 2, Government Records Access and Management Act,
535 notwithstanding any applicability of Subsection [63G-2-103(26)(b)(i)]
536 63G-2-103(27)(b)(i).

537 Section 3. Section **63A-12-117** is enacted to read:

538 **63A-12-117 . Summary of government records requirements -- Provision to**
539 **employee of a governmental entity.**

540 (1) As used in this section:

- 541 (a) "Summary" means the one-page summary developed and updated by the division
542 under Subsection (2).
- 543 (b) "Summary" includes, in relation to a governmental entity that adopts an ordinance or
544 policy under Section 63G-2-701, the supplement developed and updated by the
545 governmental entity in accordance with Subsection (3).
- 546 (2) The division shall:
- 547 (a) before September 1, 2026, develop a one-page summary of Title 63G, Chapter 2,
548 Government Records Access and Management Act, to instruct an employee of a
549 governmental entity on legal requirements relating to records, including information
550 on:
- 551 (i) a citizen's ability to access public records;
552 (ii) the classification and retention of records;
553 (iii) the confidentiality of records that are not public records;
554 (iv) criminal penalties relating to government records; and
555 (v) where the employee may obtain additional information on questions relating to
556 government records;
- 557 (b) update the summary before September 1 each year; and
558 (c) post a copy of the summary in a conspicuous place on the division's website.
- 559 (3) A governmental entity that adopts an ordinance or policy under Section 63G-2-701 shall:
- 560 (a) before November 1, 2026, develop a supplement to the summary described in
561 Subsection (2) that:
- 562 (i) describes provisions in the ordinance or policy that differ from, or add to, the
563 provisions of the summary described in Subsection (2); and
564 (ii) does not exceed one page;
- 565 (b) update the supplement before November 1 each year; and
566 (c) post a copy of the supplement, with the summary described in Subsection (2), in a
567 conspicuous place on the governmental entity's website.
- 568 (4) A governmental entity described in Subsection (3) shall:
- 569 (a) on an annual basis, within 30 days after the day on which the governmental entity
570 develops or updates the supplement described in Subsection (3), provide each
571 employee of the governmental entity with a copy of the summary; and
- 572 (b) within 30 days after the day on which the governmental entity hires an employee,
573 provide the employee with a copy of the summary.
- 574 (5) A governmental entity, other than a governmental entity described in Subsection (3),

575 shall:

576 (a) on an annual basis, within 30 days after the day on which the division develops or
 577 updates the summary, provide each employee of the governmental entity with a copy
 578 of the summary; and

579 (b) within 30 days after the day on which the governmental entity hires an employee,
 580 provide the employee with a copy of the summary.

581 Section 4. Section **63G-2-103** is amended to read:

582 **63G-2-103 . Definitions.**

583 As used in this chapter:

584 (1) "Audit" means:

585 (a) a systematic examination of financial, management, program, and related records for
 586 the purpose of determining the fair presentation of financial statements, adequacy of
 587 internal controls, or compliance with laws and regulations; or

588 (b) a systematic examination of program procedures and operations for the purpose of
 589 determining ~~[their]~~ the program's effectiveness, economy, efficiency, and compliance
 590 with statutes and regulations.

591 (2) "Chief administrative officer" means the chief administrative officer of a governmental
 592 entity who is responsible to fulfill the duties described in Section 63A-12-103.

593 (3) "Chronological logs" mean the regular and customary summary records of law
 594 enforcement agencies and other public safety agencies that show:

595 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
 596 and

597 (b) any arrests or jail bookings made by the agency.

598 (4) ~~["Classification," "classify," and their derivative forms mean determining whether]~~

599 "Classification" means the designation of a record series, record, or information within a
 600 record [is] as:

601 (a) public[;] ;

602 (b) private[;] ;

603 (c) controlled[;] ;

604 (d) protected[;] ; or

605 (e) exempt from disclosure under Subsection 63G-2-201(3)(b).

606 (5) "Classify" means the process of designating or determining the classification of a record
 607 series, record, or information within a record.

608 [~~(5)~~] (6)(a) "Computer program" means:

- 609 (i) a series of instructions or statements that [~~permit~~] permits the functioning of a
 610 computer system in a manner designed to provide storage, retrieval, and
 611 manipulation of data from the computer system; and
- 612 (ii) any associated documentation and source material that explain how to operate the
 613 computer program.
- 614 (b) "Computer program" does not mean:
- 615 (i) the original data, including numbers, text, voice, graphics, and images;
- 616 (ii) analysis, compilation, and other manipulated forms of the original data produced
 617 by use of the program; or
- 618 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
 619 algorithms contained in the program, that would be used if the manipulated forms
 620 of the original data were to be produced manually.
- 621 [~~(6)~~] (7)(a) "Contractor" means:
- 622 (i) [~~any~~] a person who contracts with a governmental entity to provide goods or
 623 services directly to a governmental entity; or
- 624 (ii) [~~any~~] a private, nonprofit organization that receives funds from a governmental
 625 entity.
- 626 (b) "Contractor" does not [~~mean~~] include a private provider.
- 627 [~~(7)~~] (8) "Controlled record" means a record containing data on [~~individuals~~] an individual
 628 that is controlled as [~~provided by~~] described in Section 63G-2-304.
- 629 [~~(8)~~] (9) [~~"Designation," "designate," and their derivative forms mean indicating~~]
 630 "Designate," in relation to a record series, means, based on a governmental entity's
 631 familiarity with a record series or based on a governmental entity's review of a
 632 reasonable sample of a record series, specifying the primary classification that a
 633 majority of records in a record series would be given if classified and the classification
 634 that other records typically present in the record series would be given if classified.
- 635 [~~(9)~~] (10) "Elected official" means [~~each person~~] an individual elected to a state office,
 636 county office, municipal office, school board or school district office, special district
 637 office, or special service district office, but does not include judges.
- 638 [~~(10)~~] (11) "Explosive" means a chemical compound, device, or mixture:
- 639 (a) commonly used or intended for the purpose of producing an explosion; and
- 640 (b) that contains oxidizing or combustive units or other ingredients in proportions,
 641 quantities, or packing so that:
- 642 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the

643 compound or mixture may cause a sudden generation of highly heated gases; and

644 (ii) the resultant gaseous pressures are capable of:

645 (A) producing destructive effects on contiguous objects; or

646 (B) causing death or serious bodily injury.

647 ~~[(11)]~~ (12) "Government audit agency" means any governmental entity that conducts an
648 audit.

649 ~~[(12)]~~ (13)(a) "Governmental entity" means:

650 (i) executive department agencies of the state, the offices of the governor, lieutenant
651 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
652 and Parole, the Board of Examiners, the National Guard, the Career Service
653 Review Office, the State Board of Education, the Utah Board of Higher
654 Education, and the State Archives;

655 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
656 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
657 legislative committees, except any political party, group, caucus, or rules or sifting
658 committee of the Legislature;

659 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
660 administrative units in the judicial branch;

661 (iv) any state-funded institution of higher education or public education; or

662 (v) ~~[any] a political subdivision of the state, [but, if a political subdivision has adopted~~
663 ~~an ordinance or a policy relating to information practices pursuant to Section~~
664 ~~63G-2-701, this chapter shall apply to the political subdivision to the extent~~
665 ~~specified in Section 63G-2-701 or as specified in any other section of this chapter~~
666 ~~that specifically refers to political subdivisions] except to the extent expressly~~
667 ~~provided otherwise in this chapter, including to the extent otherwise provided in~~
668 ~~Section 63G-2-701.~~

669 (b) "Governmental entity" ~~[also means]~~ includes:

670 (i) every office, agency, board, bureau, committee, department, advisory board, or
671 commission of an entity listed in Subsection ~~[(12)(a)]~~ (13)(a) that is funded or
672 established by the government to carry out the public's business;

673 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
674 undertaking, except for the Water District Water Development Council created
675 pursuant to Section 11-13-228;

676 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

- 677 (iv) an association as defined in Section 53G-7-1101;
- 678 (v) the Utah Independent Redistricting Commission; and
- 679 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
680 more law enforcement officers, as defined in Section 53-13-103.
- 681 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
682 Section 53H-10-202.
- 683 ~~[(13)]~~ (14) "Government Records Office" means the same as that term is defined in Section
684 63A-12-201.
- 685 ~~[(14)]~~ (15) "Gross compensation" means every form of remuneration payable for a given
686 period to an individual for services provided including salaries, commissions, vacation
687 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,
688 and any similar benefit received from the individual's employer.
- 689 ~~[(15)]~~ (16) "Individual" means a human being.
- 690 ~~[(16)]~~ (17)(a) "Initial contact report" means an initial written or recorded report, however
691 titled, prepared by ~~[peace officers]~~ a peace officer who is engaged in public patrol or
692 response duties ~~[describing]~~ that describes official actions initially taken in response
693 to either a public complaint about or the discovery of an apparent violation of law,
694 which report may describe:
- 695 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 696 (ii) ~~[names of victims]~~ the victim's name;
- 697 (iii) the nature or general scope of the agency's initial actions taken in response to the
698 incident;
- 699 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 700 (v) the name, address, and other identifying information about ~~[any person]~~ an
701 individual who is arrested or charged in connection with the incident; or
- 702 (vi) the identity of the public safety personnel, except undercover personnel, or
703 prosecuting attorney involved in responding to the initial incident.
- 704 (b) "Initial contact ~~[reports do]~~ report" does not include:
- 705 (i) a follow-up or investigative [reports] report prepared after the initial contact report[-
706 However, if the information specified in Subsection (16)(a) appears in follow-up
707 or investigative reports, it may only be treated confidentially if it is private,
708 controlled, protected, or exempt from disclosure under Subsection
709 63G-2-201(3)(b)-]; or
- 710 ~~[(c)]~~ (ii) ~~[Initial contact reports do not include]~~ an accident [reports] report, as that term

- 711 is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 712 [(17)] (18) "Legislative body" means the Legislature.
- 713 (19)(a) "Media representative" means an individual who requests a record to obtain
714 information for a story or report for a news publication or a news broadcast to the
715 general public.
- 716 (b) "Media representative" does not include an individual who requests a record to
717 obtain information for a blog, podcast, social media account, or other mass
718 communication methods generally available for a member of the public to
719 disseminate opinions or information.
- 720 [(18)] (20) "Notice of compliance" means a statement confirming that a governmental entity
721 has complied with an order of the director of the Government Records Office.
- 722 [(19) "Person" means:]
- 723 [(a) an individual;]
- 724 [(b) a nonprofit or profit corporation;]
- 725 [(c) a partnership;]
- 726 [(d) a sole proprietorship;]
- 727 [(e) other type of business organization; or]
- 728 [(f) any combination acting in concert with one another.]
- 729 [(20)] (21) "Private provider" means any person who contracts with a governmental entity to
730 provide services directly to the public.
- 731 [(21)] (22) "Private record" means a record containing data on [~~individuals~~] an individual
732 that is private as provided by Section 63G-2-302.
- 733 [(22)] (23) "Protected record" means a record that is classified protected as provided by
734 Section 63G-2-305.
- 735 [(23)] (24) "Public record" means a record that is not private, controlled, or protected and
736 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 737 [(24)] (25) "Reasonable search" means a search that is:
- 738 (a) reasonable in scope and intensity; and
- 739 (b) not unreasonably burdensome for the government entity.
- 740 (26) "Reasonable specificity" means that:
- 741 (a) a request for a record or multiple records:
- 742 (i) describes the requested record's or records' scope, nature, content, or subject; and
743 (ii) for records that will be searched electronically, specifies the names, words, or
744 symbols to be used as search terms; and

- 745 (b) the request has sufficient specificity to identify the record or records sought.
746 [~~(25)~~] (27)(a) "Record" means [~~a book, letter, document, paper, map, plan, photograph,~~
747 ~~film, card, tape, recording, electronic data, or other documentary material regardless~~
748 ~~of physical form or characteristics] recorded information, regardless of medium,
749 characteristics, or location:~~
- 750 (i) that is prepared, owned, received, or retained by a governmental entity or political
751 subdivision; and
 - 752 (ii) where all of the information in the original is reproducible by photocopy or other
753 mechanical or electronic means.
- 754 (b) "Record" does not include:
- 755 (i) a personal note or personal communication prepared or received by an employee
756 or officer of a governmental entity:
 - 757 (A) in a capacity other than the employee's or officer's governmental capacity; or
 - 758 (B) that is unrelated to the conduct of the public's business;
 - 759 (ii) a temporary draft or similar material prepared for the originator's personal use or
760 prepared by the originator for the personal use of an individual for whom the
761 originator is working;
 - 762 (iii) material that is legally owned by an individual in the individual's private capacity;
 - 763 (iv) material to which access is limited by the laws of copyright or patent unless the
764 copyright or patent is owned by a governmental entity or political subdivision;
 - 765 (v) proprietary software;
 - 766 (vi) junk mail or a commercial publication received by a governmental entity or an
767 official or employee of a governmental entity;
 - 768 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
769 of a library open to the public;
 - 770 (viii) material that is cataloged, indexed, or inventoried and contained in the
771 collections of a library open to the public, regardless of physical form or
772 characteristics of the material;
 - 773 (ix) a daily calendar ;
 - 774 (x) a note prepared by the originator for the originator's own use or for the sole use of
775 an individual for whom the originator is working;
 - 776 (xi) a computer program that is developed or purchased by or for [~~any~~] a
777 governmental entity for [its] the governmental entity's own use;
 - 778 (xii) a note or internal memorandum prepared as part of the deliberative process by:

- 779 (A) a member of the judiciary;
- 780 (B) an administrative law judge;
- 781 (C) a member of the Board of Pardons and Parole; or
- 782 (D) a member of any other body, other than an association or appeals panel as
- 783 defined in Section 53G-7-1101, charged by law with performing a
- 784 quasi-judicial function;
- 785 (xiii) a telephone number or similar code used to access a mobile communication
- 786 device that is used by an employee or officer of a governmental entity, provided
- 787 that the employee or officer of the governmental entity has designated at least one
- 788 business telephone number that is a public record as provided in Section
- 789 63G-2-301;
- 790 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
- 791 created in Section 49-20-103, to a county to enable the county to calculate the
- 792 amount to be paid to a health care provider under Subsection 17-63-706(2)(e)(ii);
- 793 (xv) information that an owner of unimproved property provides to a local entity as
- 794 provided in Section 11-42-205;
- 795 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
- 796 recording, that is conducted at a Children's Justice Center established under
- 797 Section 67-5b-102;
- 798 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 799 (xviii) before final disposition of an ethics complaint occurs, a video or audio
- 800 recording of the closed portion of a meeting or hearing of:
- 801 (A) a Senate or House Ethics Committee;
- 802 (B) the Independent Legislative Ethics Commission;
- 803 (C) the Independent Executive Branch Ethics Commission, created in Section
- 804 63A-14-202; or
- 805 (D) the Political Subdivisions Ethics Review Commission established in Section
- 806 63A-15-201;
- 807 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
- 808 58-61-702;
- 809 (xx) any item described in Subsection [~~(25)(a)~~] (27)(a) that is:
- 810 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- 811 (B) shared between any of the following entities:
- 812 (I) the Division of Risk Management;

- 813 (II) the Office of the Attorney General;
- 814 (III) the governor's office; or
- 815 (IV) the Legislature;
- 816 (xxi) the email address that a candidate for elective office provides to a filing officer
- 817 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv); or
- 818 (xxii) except as provided in Sections 31A-16-105, 31A-16-107.5, and 27a-3-303, an
- 819 investment policy, or information related to an investment policy, provided to the
- 820 insurance commissioner as described in Title 31A, Chapter 18, Investments.
- 821 (28) "Record request" means a request for a record under Section 63G-2-204.
- 822 ~~[(26)]~~ (29) "Record series" means a group of records that may be treated as a unit for
- 823 purposes of designation, description, management, or disposition.
- 824 ~~[(27)]~~ (30) "Records officer" means ~~[the]~~ an individual appointed by ~~[the]~~ a chief
- 825 administrative officer of each governmental entity~~[, or the]~~ in accordance with Section
- 826 63A-12-103, or by a political subdivision to work with state archives in the care,
- 827 maintenance, scheduling, designation, classification, disposal, and preservation of
- 828 records.
- 829 ~~[(28)]~~ (31) "Schedule," ~~["scheduling," and their derivative forms mean]~~ when used as a verb,
- 830 means:
- 831 (a) the process of specifying the length of time each record series should be retained by a
- 832 governmental entity for administrative, legal, fiscal, or historical purposes; and
- 833 (b) when each record series should be transferred to the state archives or destroyed.
- 834 ~~[(29)]~~ (32) "Sponsored research" means research, training, and other sponsored activities as
- 835 defined by the federal Executive Office of the President, Office of Management and
- 836 Budget:
- 837 (a) conducted:
- 838 (i) by an institution within the state system of higher education described in Section
- 839 53H-1-102; and
- 840 (ii) through an office responsible for sponsored projects or programs; and
- 841 (b) funded or otherwise supported by an external:
- 842 (i) person that is not created or controlled by the institution within the state system of
- 843 higher education; or
- 844 (ii) federal, state, or local governmental entity.
- 845 ~~[(30)]~~ (33) "State archives" means the Division of Archives and Records Service created in
- 846 Section 63A-12-101.

847 ~~[(31)]~~ (34) "State archivist" means the director of the state archives.

848 ~~[(32)]~~ (35) "Summary data" means statistical records and compilations that contain data
849 derived from private, controlled, or protected information but that do not disclose
850 private, controlled, or protected information.

851 Section 5. Section **63G-2-107** is amended to read:

852 **63G-2-107 . Disclosure of records subject to federal law or other provisions of**
853 **state law.**

854 (1)(a) The disclosure of a record to which access is governed or limited pursuant to court
855 rule, another state statute, federal statute, or federal regulation, including a record for
856 which access is governed or limited as a condition of participation in a state or
857 federal program or for receiving state or federal funds, is governed by the specific
858 provisions of that statute, rule, or regulation.

859 (b) Except as provided in Subsections (2) and (3), this chapter applies to records
860 described in Subsection (1)(a) to the extent that this chapter is not inconsistent with
861 the statute, rule, or regulation.

862 (2) Except as provided in Subsection (4), this chapter does not apply to a record containing
863 protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of
864 Individually Identifiable Health Information, or to any portion of the record, if the
865 record is:

866 (a) controlled or maintained by a governmental entity; and

867 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
868 Identifiable Health Information.

869 ~~[(3) The disclosure of an education record as defined in the Family Educational Rights and~~
870 ~~Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity is~~
871 ~~governed by the Family Educational Rights and Privacy Act, 34 C.F.R.~~
872 ~~Part 99.]~~

873 (3)(a) As used in this Subsection (3), "education records" means the same as that term is
874 defined in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

875 (b) Except as provided in Subsection (4), this chapter does not apply to education
876 records,as that term is defined in 20 U.S.C Sec. 1232g(a)(4) of the Family
877 Educational Rights and Privacy Act, or to any portion of an educational record,
878 regardless of whether the education records were requested before May 6, 2026, or
879 on or after May 6, 2026.

880 (c) A governmental entity that is subject to the Family Educational Rights and Privacy

881 Act, 20 U.S.C. Sec. 1232g, shall respond to a request for access to education records
 882 in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C.
 883 Sec.1232g.

884 (4) This section does not exempt any record or record series from the provisions of
 885 Subsection 63G-2-601(1).

886 Section 6. Section **63G-2-201** is amended to read:

887 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
 888 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
 889 **Certified copy of record -- Limits on obligation to respond to record request.**

890 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
 891 record free of charge, and the right to take a copy of a public record during normal
 892 working hours, subject to Sections 63G-2-203 and 63G-2-204.

893 (b) A right under Subsection (1)(a) does not apply with respect to a record:

894 (i) a copy of which the governmental entity has already provided to the person;

895 (ii) that is the subject of a records request that the governmental entity is not required
 896 to fill under Subsection (7)(a)(v); or

897 (iii)(A) that is accessible only by a computer or other electronic device owned or
 898 controlled by the governmental entity;

899 (B) that is part of an electronic file that also contains a record that is private,
 900 controlled, or protected; and

901 (C) that the governmental entity cannot readily segregate from the part of the
 902 electronic file that contains a private, controlled, or protected record.

903 (2) A record is public unless otherwise expressly provided by statute.

904 (3) The following records are not public:

905 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,
 906 63G-2-304, and 63G-2-305; and

907 (b) a record to which access is restricted pursuant to court rule, another state statute,
 908 federal statute, or federal regulation, including records for which access is governed
 909 or restricted as a condition of participation in a state or federal program or for
 910 receiving state or federal funds.

911 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
 912 may be classified private, controlled, or protected.

913 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
 914 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),

- 915 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 916 (b) A governmental entity may disclose a record that is private under Subsection
917 63G-2-302(2) or protected under Section 63G-2-305 to ~~[persons]~~ a person other than [
918 ~~those]~~ a person specified in Section 63G-2-202 or 63G-2-206 if the [~~head of a~~
919 ~~governmental entity, or a designee,~~] chief administrative officer or records officer
920 determines that:
- 921 (i) there is no interest in restricting access to the record; or
922 (ii) the interests favoring access are greater than or equal to the interest favoring
923 restriction of access.
- 924 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
925 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 926 (i) the [~~head of the governmental entity, or a designee,~~] chief administrative officer or
927 records officer determines that the disclosure:
- 928 (A) is mutually beneficial to:
- 929 (I) the subject of the record;
930 (II) the governmental entity; and
931 (III) the public; and
- 932 (B) serves a public purpose related to:
- 933 (I) public safety; or
934 (II) consumer protection; and
- 935 (ii) the person who receives the record from the governmental entity agrees not to use
936 or allow the use of the record for advertising or solicitation purposes.
- 937 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 938 (a) the person requesting the record has a right to inspect it;
939 (b) the person identifies the record with reasonable specificity; and
940 (c) the person pays the lawful fees.
- 941 (7)(a) In response to a request, a governmental entity is not required to:
- 942 (i) create a record;
943 (ii) compile, format, manipulate, package, summarize, or tailor information;
944 (iii) provide a record in a particular format, medium, or program not currently
945 maintained by the governmental entity;
946 (iv) fulfill a person's records request if the request unreasonably duplicates prior
947 records requests from that person;
948 (v) fill a person's records request if:

- 949 (A) the record requested is:
- 950 (I) publicly accessible online; or
- 951 (II) included in a public publication or product produced by the governmental
- 952 entity receiving the request; and
- 953 (B) the governmental entity:
- 954 (I) specifies to the person requesting the record where the record is accessible
- 955 online; or
- 956 (II) provides the person requesting the record with the public publication or
- 957 product and specifies where the record can be found in the public
- 958 publication or product; or
- 959 (vi) fulfill a person's records request if:
- 960 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 961 requester;
- 962 (B) the order of the director of the Government Records Office determining the
- 963 person to be a vexatious requester provides that the governmental entity is not
- 964 required to fulfill a request from the person for a period of time; and
- 965 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 966 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 967 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 968 person who submitted the records request, compile, format, manipulate, package,
- 969 summarize, or tailor information or provide a record in a format, medium, or program
- 970 not currently maintained by the governmental entity.
- 971 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
- 972 governmental entity may consider whether the governmental entity is able to fulfill
- 973 the request without unreasonably interfering with the governmental entity's duties
- 974 and responsibilities.
- 975 (c) A governmental entity may require a person who makes a request under Subsection
- 976 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
- 977 providing the information or record as requested.
- 978 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
- 979 (9)(b), a governmental entity is not required to respond to, or provide a record in
- 980 response to, a record request if the request is submitted by or in behalf of an
- 981 individual who is on parole or confined in a jail or other correctional facility
- 982 following the individual's conviction.

- 983 (b) Subsection (9)(a) does not apply to:
- 984 (i) the first five record requests submitted to the governmental entity by or in behalf
- 985 of an individual described in Subsection (9)(a) during any calendar year
- 986 requesting only a record that contains a specific reference to the individual; or
- 987 (ii) a record request that is submitted by an attorney of an individual described in
- 988 Subsection (9)(a).
- 989 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
- 990 records to copy the records if:
- 991 (i) the records are contained in files that do not contain records that are exempt from
- 992 disclosure, or the records may be segregated to remove private, protected, or
- 993 controlled information from disclosure; and
- 994 (ii) the governmental entity provides reasonable safeguards to protect the public from
- 995 the potential for loss of a public record.
- 996 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 997 (i) provide the requester with the facilities for copying the requested records and
- 998 require that the requester make the copies; or
- 999 (ii) allow the requester to provide the requester's own copying facilities and personnel
- 1000 to make the copies at the governmental entity's offices and waive the fees for
- 1001 copying the records.
- 1002 (11)(a) A governmental entity that owns an intellectual property right and that offers the
- 1003 intellectual property right for sale or license may control by ordinance or policy the
- 1004 duplication and distribution of the material based on terms the governmental entity
- 1005 considers to be in the public interest.
- 1006 (b) Nothing in this chapter [~~shall be construed to limit or impair~~] limits or impairs the
- 1007 rights or protections granted to the governmental entity under federal copyright or
- 1008 patent law as a result of [~~its ownership of~~]the intellectual property right ownership.
- 1009 (12) A governmental entity may not use the physical form, electronic or otherwise, in
- 1010 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
- 1011 and receive a copy of a record under this chapter.
- 1012 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
- 1013 access to an electronic copy of a record in lieu of providing access to [its] the record's
- 1014 paper equivalent if:
- 1015 (a) the person making the request requests or states a preference for an electronic copy;
- 1016 (b) the governmental entity currently maintains the record in an electronic format that is

- 1017 reproducible and may be provided without reformatting or conversion; and
- 1018 (c) the electronic copy of the record:
- 1019 (i) does not disclose other records that are exempt from disclosure; or
- 1020 (ii) may be segregated to protect private, protected, or controlled information from
- 1021 disclosure without the undue expenditure of public resources or funds.
- 1022 (14) In determining whether a record is properly classified as private under Subsection
- 1023 63G-2-302(2)(d), the governmental entity, the director of the Government Records
- 1024 Office, local appeals board, or court shall consider and weigh:
- 1025 (a) any personal privacy [~~interests~~] interest, including [~~those~~] a personal privacy interest
- 1026 in images, that would be affected by disclosure of the records[~~-in question~~]; and
- 1027 (b) any public [~~interests~~] interest served by disclosure.
- 1028 Section 7. Section **63G-2-203** is amended to read:
- 1029 **63G-2-203 . Fees.**
- 1030 (1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to
- 1031 cover the governmental entity's actual cost of providing a record.
- 1032 (b) A fee [~~under~~] described in Subsection (1)(a) shall be approved by the governmental
- 1033 entity's executive officer.
- 1034 (2)(a) [~~When a governmental entity compiles a record in a form other than that normally~~
- 1035 ~~maintained by the governmental entity, the~~] The actual costs under this section may
- 1036 include the following:
- 1037 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
- 1038 summarizing, or tailoring the record either into an organization or media to meet
- 1039 the person's request;
- 1040 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
- 1041 complying with a request; and
- 1042 (iii) [~~in the case of fees~~]for a record that is the result of computer output other than
- 1043 word processing, in addition to costs described in Subsections (2)(a)(i) and (ii),
- 1044 the actual incremental cost of providing the electronic services and products
- 1045 together with a reasonable portion of the costs associated with formatting or
- 1046 interfacing the information for particular users[~~, and the administrative costs as set~~
- 1047 ~~forth in Subsections (2)(a)(i) and (ii)~~].
- 1048 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest
- 1049 paid employee who, in the discretion of the custodian of records, has the necessary
- 1050 skill and training to perform the request.

- 1051 (3)(a) Fees shall be established as provided in this Subsection (3).
- 1052 (b) A governmental entity with fees established by the Legislature:
- 1053 (i) shall establish the fees defined in Subsection (2), or other actual costs associated
- 1054 with this section through the budget process; and
- 1055 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature
- 1056 establishes fees through the budget process.
- 1057 (c) Political subdivisions shall establish fees by ordinance or written formal policy
- 1058 adopted by the governing body.
- 1059 (d) The judiciary shall establish fees by rules of the judicial council.
- 1060 (4) A governmental entity may fulfill a record request without charge, and is encouraged to [
- 1061 ~~do so if it~~], if the governmental entity determines that:
- 1062 (a) releasing the record primarily benefits the public rather than a person;
- 1063 (b) the individual requesting the record is the subject of the record, or an individual
- 1064 specified in Subsection 63G-2-202(1) or (2); or
- 1065 (c) the requester's legal rights are directly implicated by the information in the record,
- 1066 and the requester is impecunious.
- 1067 (5)[(a) ~~As used in this Subsection (5), "media representative":~~
- 1068 [~~(i) means a person who requests a record to obtain information for a story or report~~
- 1069 ~~for publication or broadcast to the general public; and~~
- 1070 [~~(ii) does not include a person who requests a record to obtain information for a blog,~~
- 1071 ~~podcast, social media account, or other means of mass communication generally~~
- 1072 ~~available to a member of the public.]~~
- 1073 [(b)] (a) A governmental entity may not charge a fee for:
- 1074 (i) reviewing a record to determine whether it is subject to disclosure, except as
- 1075 permitted by Subsection (2)(a)(ii);
- 1076 (ii) inspecting a record; or
- 1077 (iii) the first quarter hour of staff time spent in responding to a request under Section
- 1078 63G-2-204.
- 1079 [(e)] (b) Notwithstanding Subsection [~~(5)(b)(iii)~~] (5)(a)(iii), a governmental entity is not
- 1080 prevented from charging a fee for the first quarter hour of staff time spent in
- 1081 responding to a request under Section 63G-2-204 if the person who submits the
- 1082 request:
- 1083 (i) is not a Utah media representative; and
- 1084 (ii) previously submitted a separate request within the 10-day period immediately

1085 before the date of the request to which the governmental entity is responding.

1086 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver
1087 under Subsection (4) may appeal the denial in the same manner as ~~a person appeals~~
1088 ~~when inspection of a public record is denied~~ a denial under Section 63G-2-205.

1089 (b) The adjudicative body hearing the appeal:

1090 (i) shall review the fee waiver de novo~~[-but]~~ ;

1091 (ii) notwithstanding Subsection (6)(b)(i), shall review and consider the governmental
1092 entity's denial of the fee waiver and any determination under Subsection (4); and

1093 ~~[(ii)] (iii)~~ (iii) has the same authority when a fee waiver or reduction is denied as [it] the
1094 adjudicative body has when the inspection of a public record is denied.

1095 (c) An adjudicative body hearing an appeal under this Subsection (6) is not required to
1096 schedule a hearing if the adjudicative body previously upheld a fee waiver denial for
1097 a fee charged under this section:

1098 (i) for the same records; or

1099 (ii) under the same facts or circumstances applicable to the matter appealed under this
1100 Subsection (6).

1101 (7)(a) If a governmental entity denies a fee waiver request under this section, the
1102 governmental entity shall inform the requester of the estimated cost of fulfilling the
1103 record request.

1104 (b) The governmental entity shall provide the requester with an opportunity, no later
1105 than 10 business days after the day on which the governmental entity provides notice
1106 of the estimated cost, to:

1107 (i) agree to pay the estimated fees; or

1108 (ii) cancel the record request.

1109 (c) If the requester fails to respond within the time described in Subsection (7)(b), the
1110 governmental entity may not consider the request.

1111 (d) Nothing in this Subsection (7) prevents a requester from submitting a new record
1112 request.

1113 ~~[(7)] (8)~~(a) All fees received under this section by a governmental entity subject to
1114 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1115 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
1116 governmental entity in providing the requested record or record series.

1117 ~~[(8)] (9)~~(a) ~~[A]~~ Subject to Subsections (9)(c) and (d), a governmental entity may require
1118 payment of past fees and future estimated fees before beginning to process a request

1119 if:

1120 (i) fees are expected to exceed \$50; or

1121 (ii) after the government entity has sent an invoice, the requester has not paid fees
1122 from a previous request.

1123 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1124 (c) A governmental entity that receives a request from a requester that has not paid fees
1125 owed by the requester for a previous request may refuse to respond to the request
1126 until the requester pays the amount owed for the previous request, if, within the time
1127 period described in Subsection 63G-2-204(4), the governmental entity notifies the
1128 requester, in writing:

1129 (i) of the amount owed for the previous request;

1130 (ii) of the request to which the amount owed relates; and

1131 (iii) that the governmental entity will not respond to the request until the requester
1132 pays the amount owed for the previous request.

1133 (d) The notification described in Subsection (9)(c) is not a denial under Section
1134 63G-2-205.

1135 [~~9~~] (10) This section does not alter, repeal, or reduce fees established by other statutes or
1136 legislative acts.

1137 [~~10~~] (11)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall
1138 be set as provided in this Subsection [~~10~~] (11).

1139 (b) The lieutenant governor shall:

1140 (i) after consultation with county clerks, establish uniform fees for voter registration
1141 and voter history records that meet the requirements of this section; and

1142 (ii) obtain legislative approval of those fees by following the procedures and
1143 requirements of Section 63J-1-504.

1144 Section 8. Section **63G-2-204** is amended to read:

1145 **63G-2-204 . Record request -- Response -- Time for responding.**

1146 (1)(a) A person [~~making a request for a record~~] who makes a record request shall submit
1147 to the governmental entity that retains the record a written request containing:

1148 (i) the person's:

1149 (A) name;

1150 (B) mailing address;

1151 (C) email address, if the person has an email address and is willing to accept

1152 communications by email relating to the person's [~~records~~] record request; and

- 1153 (D) daytime telephone number; and
- 1154 (ii) a description of the record requested that identifies the record with reasonable
1155 specificity.
- 1156 (b)(i) A single record request may not be submitted to multiple governmental entities.
- 1157 (ii) Subsection (1)(b)(i) ~~[may not be construed to]~~ does not prevent a person from
1158 submitting a separate record request to ~~[each of]~~ multiple governmental entities,
1159 even if each ~~[of the separate requests]~~ separate request seeks access to the same
1160 record.
- 1161 (c) When making a record request, the requester may seek an expedited response to the
1162 request if the requester provides an explanation of how the expedited response
1163 benefits the public rather than the requester.
- 1164 (d) Subject to Subsection (1)(f), a governmental entity may reject a record request that
1165 does not comply with the requirements described in Subsection (1)(a).
- 1166 (e) The rejection of a record request under Subsection (1)(d) does not constitute an
1167 access denial as defined in Section 63G-2-400.5.
- 1168 (f) If a governmental entity rejects a record request under Subsection (1)(d) because the
1169 description of the record requested fails to identify the record with reasonable
1170 specificity, the governmental entity shall make a good faith effort to assist the
1171 requester in providing reasonable specificity.
- 1172 (2)(a) In response to a ~~[request for a record]~~ record request, a governmental entity may
1173 not provide a record that ~~[it has received]~~ the governmental entity receives under
1174 Section 63G-2-206 as a shared record.
- 1175 (b) If a governmental entity is prohibited from providing a record under Subsection (2)(a),
1176 the governmental entity shall:
- 1177 (i) deny the ~~[records]~~ record request; and
- 1178 (ii) ~~[inform the person making the request of the identity]~~ provide the requester with
1179 the name of the governmental entity from which the shared record was received.
- 1180 (3) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah
1181 Administrative Rulemaking Act, specifying where and to whom ~~[requests for access~~
1182 shall be] a record request must be directed.
- 1183 ~~[(4) After receiving a request for a record, a governmental entity shall:]~~
- 1184 ~~[(a) review each request that seeks an expedited response and notify, within five~~
1185 ~~business days after receiving the request, each requester that has not demonstrated~~
1186 ~~that their record request benefits the public rather than the person that their response~~

- 1187 will not be expedited; and]
- 1188 [(b) as soon as reasonably possible, but no later than 10 business days after receiving a
1189 written request, or five business days after receiving a written request if the requester
1190 demonstrates that expedited response to the record request benefits the public rather
1191 than the person;]
- 1192 [(i) approve the request and provide a copy of the record;]
- 1193 [(ii) deny the request in accordance with the procedures and requirements of Section
1194 63G-2-205;]
- 1195 [(iii) notify the requester that it does not maintain the record requested and provide, if
1196 known, the name and address of the governmental entity that does maintain the
1197 record; or]
- 1198 [(iv) notify the requester that because of one of the extraordinary circumstances listed
1199 in Subsection (6), it cannot immediately approve or deny the request, and include
1200 with the notice:]
- 1201 [(A) a description of the circumstances that constitute the extraordinary
1202 circumstances; and]
- 1203 [(B) the date when the records will be available, consistent with the requirements
1204 of Subsection (7).]
- 1205 (4) After a governmental entity receives a written record request, if the requester seeks an
1206 expedited response in accordance with Subsection (1)(c), the governmental entity shall:
- 1207 (a) review the request to determine if an expedited response:
- 1208 (i) is warranted, because the expedited response benefits the public rather than the
1209 requester as described in Subsection (1)(c); and
- 1210 (ii) is reasonably possible under the circumstances;
- 1211 (b) no later than five business days after the day on which the governmental entity
1212 receives the request:
- 1213 (i) if the governmental entity determines that an expedited response is warranted and
1214 reasonably possible under the circumstances, respond to the record request in
1215 accordance with the requirements of this chapter; or
- 1216 (ii) if the governmental entity determines that an expedited response is not warranted
1217 or is not reasonably possible under the circumstances:
- 1218 (A) deny the request for an expedited response;
- 1219 (B) notify the requester of the determination and the grounds for the
1220 determination; and

1221 (C) inform the requester that the governmental entity will respond to the record
 1222 request as a non-expedited request, in accordance with the requirements of law;

1223 and

1224 (c) if the governmental entity denies the request for an expedited response under
 1225 Subsection (4)(b)(ii), respond to the record request under Subsection (5).

1226 (5) After a governmental entity receives a record request, if the requester does not seek an
 1227 expedited response in accordance with Subsection (1)(c), or if the governmental entity
 1228 denies a request for an expedited response under Subsection (4)(b)(ii), the governmental
 1229 entity shall, no later than 15 business days after the day on which the governmental
 1230 entity receives the request:

1231 (a) approve the request and provide the requester with a copy of the record;

1232 (b) approve the request, subject to the payment of a fee in accordance with Section
 1233 63G-2-203;

1234 (c) deny the request in accordance with Section 63G-2-205;

1235 (d) notify the requester that the governmental entity does not retain the record and
 1236 provide the requester with the name and address of the governmental entity that
 1237 maintains the record, if known;

1238 (e) notify the requester that the governmental entity:

1239 (i) conducted a reasonable search for the record; and

1240 (ii) was unable to locate a record that is responsive to the request; or

1241 (f) notify the requester that because of an exceptional circumstance, as described in
 1242 Subsection (7), the governmental entity is unable to immediately approve or deny the
 1243 record request, and include with the notice:

1244 (i) a description of the circumstance that constitutes the exceptional circumstance; and

1245 (ii) the anticipated date when the record request will be fulfilled.

1246 [~~(5)~~] (6) [~~Any person who requests a record~~] A media representative who makes a record
 1247 request to obtain information for a story or report for publication or broadcast to the
 1248 general public is presumed to be acting to benefit the public rather than [a person] the
 1249 media representative.

1250 [~~(6)~~] (7) The following circumstances constitute [~~"extraordinary circumstances"~~] exceptional
 1251 circumstances that allow a governmental entity to delay approval or denial by an
 1252 additional period of time as [~~specified~~] described in Subsection [~~(7)~~] (8) if the
 1253 governmental entity determines that, due to the [~~extraordinary circumstances~~ it]
 1254 exceptional circumstances, the governmental entity cannot respond within the time [

- 1255 ~~limits provided in Subsection (4)] described in Subsection (5):~~
- 1256 (a) another governmental entity is using the record, in which case the originating
- 1257 governmental entity shall promptly request that the governmental entity currently in
- 1258 possession return the record;
- 1259 (b) another governmental entity is using the record as part of an audit, and returning the
- 1260 record before the completion of the audit would impair the conduct of the audit;
- 1261 (c)(i) the request is for a voluminous quantity of records or a record series containing
- 1262 a substantial number of records; or
- 1263 (ii) the requester seeks a substantial number of records or records series in requests
- 1264 filed within five working days of each other;
- 1265 (d) the governmental entity is currently processing a large number of records requests;
- 1266 (e) the request requires the governmental entity to review a large number of records to
- 1267 locate the records requested;
- 1268 (f) the decision to release a record involves legal issues that require the governmental
- 1269 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations,
- 1270 or case law;
- 1271 (g) segregating information that the requester is entitled to inspect from information that
- 1272 the requester is not entitled to inspect requires extensive time or editing; or
- 1273 (h) segregating information that the requester is entitled to inspect from information that
- 1274 the requester is not entitled to inspect requires computer programming.
- 1275 ~~[(7)] (8) [If one of the extraordinary circumstances listed] If an exceptional circumstance~~
- 1276 ~~described in Subsection [(6)] (7) precludes approval or denial within the time [specified~~
- 1277 ~~in Subsection (4)] described in Subsection (5), the following time limits apply to the [~~
- 1278 ~~extraordinary circumstances] exceptional circumstance:~~
- 1279 (a) for claims under Subsection ~~[(6)(a)] (7)(a)~~, the governmental entity currently in
- 1280 possession of the record shall return the record to the originating entity within five
- 1281 business days ~~[of] after the day of the request for the return unless returning the~~
- 1282 record would impair the ~~[holder's] governmental entity's~~ work;
- 1283 (b) for claims under Subsection ~~[(6)(b)] (7)(b)~~, the originating governmental entity shall
- 1284 notify the requester when the record is available for inspection and copying;
- 1285 (c) for claims under ~~[Subsections (6)(c), (d), and (e)] Subsection (7)(c), (d), or (e)~~, the
- 1286 governmental entity shall:
- 1287 (i) disclose the records ~~[that it has located which]~~ the governmental entity locates that
- 1288 the requester is entitled to inspect;

- 1289 (ii) provide the requester with ~~[an estimate of the amount of time it will take to finish~~
 1290 ~~the work required]~~ a time estimate that the governmental entity needs to respond to
 1291 the request;
- 1292 (iii) complete the work and disclose those records that the requester is entitled to
 1293 inspect as soon as reasonably possible; and
- 1294 (iv) for ~~[any]~~ a person that does not establish a right to an expedited response as [
 1295 ~~authorized by]~~ described in Subsection (4), a governmental entity may[- choose to]:
 1296 (A) require the person to ~~[provide for copying of the records as provided]~~ copy the
 1297 records as described in Subsection 63G-2-201(10); or
 1298 (B) ~~[treat a request for multiple records as separate record requests, and respond~~
 1299 ~~sequentially to each request]~~ treat a request for multiple records as multiple
 1300 requests and respond to each request sequentially and separately;
- 1301 (d) for claims under Subsection ~~[(6)(f)]~~ (7)(f), the governmental entity shall either
 1302 approve or deny the request within five business days after the ~~[response time~~
 1303 ~~specified for the original request has expired]~~ day of the deadline described in
 1304 Subsection (5);
- 1305 (e) for claims under Subsection ~~[(6)(g)]~~ (7)(g), the governmental entity shall, to the
 1306 extent reasonably possible, fulfill the request ~~[within 15]~~ no later than 20 business
 1307 days ~~[from the date of the original request]~~ after the day on which the governmental
 1308 entity receives the request; or
- 1309 (f) for claims under Subsection ~~[(6)(h)]~~ (7)(h), the governmental entity shall complete ~~[its]~~
 1310 the necessary computer programming and disclose the requested records as soon as
 1311 reasonably possible and no later than 12 months from the day the governmental entity
 1312 receives the request.
- 1313 ~~[(8)]~~ (9)(a) If ~~[a request for access is submitted to]~~ an office of a governmental entity
 1314 other than that specified by rule in accordance with Subsection (3), receives a record
 1315 request, the office shall promptly forward the request to the appropriate office.
- 1316 (b) If the request is forwarded promptly, the time limit for response begins when the
 1317 request is received by the office specified by rule.
- 1318 ~~[(9)]~~ (10) ~~[If the governmental entity fails to provide the requested records or issue a denial~~
 1319 ~~within the specified time period, that failure is considered the equivalent of a~~
 1320 ~~determination denying access to the record]~~ If a governmental entity fails to respond to a
 1321 record request within the time allowed under this section, the failure to respond is
 1322 considered an access denial, as defined in Section 63G-2-400.5.

1323 Section 9. Section **63G-2-301** is amended to read:

1324 **63G-2-301 . Public records.**

1325 (1) As used in this section:

1326 (a) "Business address" means a single address of a governmental agency designated for
1327 the public to contact an employee or officer of the governmental agency.

1328 (b) "Business email address" means a single email address of a governmental agency
1329 designated for the public to contact an employee or officer of the governmental
1330 agency.

1331 (c) "Business telephone number" means a single telephone number of a governmental
1332 agency designated for the public to contact an employee or officer of the
1333 governmental agency.

1334 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1335 (2) The following records are public except to the extent they contain information expressly
1336 permitted to be treated confidentially under the provisions of Subsections
1337 63G-2-201(3)(b) and (6)(a):

1338 (a) laws;

1339 (b) the name, gender, gross compensation, job title, job description, business address,
1340 business email address, business telephone number, number of hours worked per pay
1341 period, dates of employment, and relevant education, previous employment, and
1342 similar job qualifications of a current or former employee or officer of the
1343 governmental entity, excluding:

1344 (i) undercover law enforcement personnel; and

1345 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1346 effectiveness of investigations or endanger any individual's safety;

1347 (c) final opinions, including concurring and dissenting opinions, and orders that are
1348 made by a governmental entity in an administrative, adjudicative, or judicial
1349 proceeding except that if the proceedings were properly closed to the public, the
1350 opinion and order may be withheld to the extent that they contain information that is
1351 private, controlled, or protected;

1352 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1353 protected as provided in Subsection 63G-2-305(17) or (18);

1354 (e) information contained in or compiled from a transcript, minutes, or report of the open
1355 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1356 Open and Public Meetings Act, including the records of all votes of each member of

- 1357 the governmental entity;
- 1358 (f) judicial records unless a court orders the records to be restricted under the rules of
1359 civil or criminal procedure or unless the records are private under this chapter;
- 1360 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
1361 records filed with or maintained by county recorders, clerks, treasurers, surveyors,
1362 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
1363 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the
1364 Division of Water Rights, or other governmental entities that give public notice of:
- 1365 (i) titles or encumbrances to real property;
- 1366 (ii) restrictions on the use of real property;
- 1367 (iii) the capacity of persons to take or convey title to real property; or
- 1368 (iv) tax status for real and personal property;
- 1369 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1370 changes, and uniform commercial code filings;
- 1371 (i) data on individuals that would otherwise be private under this chapter if the
1372 individual who is the subject of the record has given the governmental entity written
1373 permission to make the records available to the public;
- 1374 (j) documentation of the compensation that a governmental entity pays to a contractor or
1375 private provider;
- 1376 (k) summary data;
- 1377 (l) voter registration records, including an individual's voting history, except for a voter
1378 registration record or those parts of a voter registration record that are classified as
1379 private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection
1380 20A-2-104(7);
- 1381 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1382 available, and email address, if available, where that elected official may be reached
1383 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1384 (n) for a school community council member, a telephone number, if available, and email
1385 address, if available, where that elected official may be reached directly as required
1386 in Section 53G-7-1203;
- 1387 (o) annual audited financial statements of the Utah Educational Savings Plan described
1388 in Section 53H-10-210; and
- 1389 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1390 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

- 1391 (3) The following records are normally public, but to the extent that a record is expressly
1392 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1393 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1394 (a) administrative staff manuals, instructions to staff, and statements of policy;
 - 1395 (b) records documenting a contractor's or private provider's compliance with the terms
1396 of a contract with a governmental entity;
 - 1397 (c) records documenting the services provided by a contractor or a private provider to
1398 the extent the records would be public if prepared by the governmental entity;
 - 1399 (d) contracts entered into by a governmental entity;
 - 1400 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1401 by a governmental entity;
 - 1402 (f) records relating to government assistance or incentives publicly disclosed, contracted
1403 for, or given by a governmental entity, encouraging a person to expand or relocate a
1404 business in Utah, except as provided in Subsection 63G-2-305(35);
 - 1405 (g) subject to Subsection (5), chronological logs and initial contact reports;
 - 1406 (h) correspondence by and with a governmental entity in which the governmental entity
1407 determines or states an opinion upon the rights of the state, a political subdivision,
1408 the public, or any person;
 - 1409 (i) empirical data contained in drafts if:
 - 1410 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1411 form; and
 - 1412 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1413 make nonsubstantive changes before release;
 - 1414 (j) drafts that are circulated to anyone other than:
 - 1415 (i) a governmental entity;
 - 1416 (ii) a political subdivision;
 - 1417 (iii) a federal agency if the governmental entity and the federal agency are jointly
1418 responsible for implementation of a program or project that has been legislatively
1419 approved;
 - 1420 (iv) a government-managed corporation; or
 - 1421 (v) a contractor or private provider;
 - 1422 (k) drafts that have never been finalized but were relied upon by the governmental entity
1423 in carrying out action or policy;
 - 1424 (l) original data in a computer program if the governmental entity chooses not to

- 1425 disclose the program;
- 1426 (m) arrest warrants after issuance, except that, for good cause, a court may order
1427 restricted access to arrest warrants prior to service;
- 1428 (n) search warrants after execution and filing of the return, except that a court, for good
1429 cause, may order restricted access to search warrants prior to trial;
- 1430 (o) records that would disclose information relating to formal charges or disciplinary
1431 actions against a past or present governmental entity employee if:
- 1432 (i) the disciplinary action has been completed and all time periods for administrative
1433 appeal have expired; and
- 1434 (ii) the charges on which the disciplinary action was based were sustained;
- 1435 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
1436 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1437 evidence mineral production on government lands;
- 1438 (q) final audit reports;
- 1439 (r) occupational and professional licenses;
- 1440 (s) business licenses;
- 1441 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
1442 records used to initiate proceedings for discipline or sanctions against persons
1443 regulated by a governmental entity, but not including records that initiate employee
1444 discipline; and
- 1445 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
1446 the operation of a correctional facility or the care and control of inmates
1447 committed to the custody of a correctional facility; and
- 1448 (ii) records that disclose the results of an audit or other inspection assessing a
1449 correctional facility's compliance with a standard, regulation, policy, guideline, or
1450 rule described in Subsection (3)(u)(i).
- 1451 (4) The list of public records in this section is not exhaustive and should not be used to limit
1452 access to records.
- 1453 (5)(a) Subject to Subsection (5)(b), if information of the type described in Subsections
1454 63G-2-103(16)(a)(i) through (vi) appears in a follow-up or investigative report
1455 described in Subsection 63G-2-103(16)(b), the information contained in the
1456 follow-up or investigative report is public, unless the information is private,
1457 controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
- 1458 (b) If a follow-up or investigative report described in Subsection 63G-2-103(16)(b) is

1459 expressly exempt from disclosure, the exemption and restriction of access described
1460 in Subsection (3) does not change based on the follow-up or investigative report
1461 containing any information included in an initial contact report that is a public record.

1462 Section 10. Section **63G-2-303** is amended to read:

1463 **63G-2-303 . Private information concerning certain government employees.**

1464 (1) As used in this section:

1465 (a) "At-risk government employee" means a current or former:

1466 (i) peace officer as specified in Section 53-13-102;

1467 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
1468 commissioner;

1469 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

1470 (iv) judge authorized by Armed Forces, Title 10, United States Code;

1471 (v) federal prosecutor;

1472 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

1473 (vii) law enforcement official as defined in Section 53-5a-311;

1474 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

1475 (ix) state, federal, or local government employee who, because of the unique nature
1476 of the employee's regular work assignments or because of one or more recent
1477 credible threats directed to or against the employee, would be at immediate and
1478 substantial risk of physical harm if the employee's personal information is
1479 disclosed.

1480 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
1481 at-risk government employee who is living with the employee.

1482 (c) "Personal information" means the employee's or the employee's family member's
1483 home address, home telephone number, personal mobile telephone number, personal
1484 pager number, personal email address, social security number, insurance coverage,
1485 marital status, or payroll deductions.

1486 (2)(a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1487 file a written application that:

1488 (i) gives notice of the employee's status as an at-risk government employee to each
1489 agency of a government entity holding a record or a part of a record that would
1490 disclose the employee's personal information; and

1491 (ii) requests that the government agency classify those records or parts of records as
1492 private.

- 1493 (b) An at-risk government employee desiring to file an application under this section
1494 may request assistance from the government agency to identify the individual records
1495 containing personal information.
- 1496 (c) Each government agency shall develop a form that:
- 1497 (i) requires the at-risk government employee to designate each specific record or part
1498 of a record containing the employee's personal information that the applicant
1499 desires to be classified as private;
- 1500 (ii) affirmatively requests that the government entity holding those records classify
1501 them as private;
- 1502 (iii) informs the employee that by submitting a completed form the employee may
1503 not receive official announcements affecting the employee's property, including
1504 notices about proposed municipal annexations, incorporations, or zoning
1505 modifications; and
- 1506 (iv) contains a place for the signature required under Subsection (2)(d).
- 1507 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
1508 highest ranking elected or appointed official in the employee's chain of command
1509 certifying that the employee submitting the form is an at-risk government employee.
- 1510 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
1511 satisfy the requirements of this section by:
- 1512 (a) providing a method for the assessment roll and index and the tax roll and index that
1513 will block public access to the home address, home telephone number, situs address,
1514 and Social Security number; and
- 1515 (b) providing the at-risk government employee requesting the classification with a
1516 disclaimer informing the employee that the employee may not receive official
1517 announcements affecting the employee's property, including notices about proposed
1518 annexations, incorporations, or zoning modifications.
- 1519 (4) A government agency holding records of an at-risk government employee classified as
1520 private under this section may release the record or part of the record if:
- 1521 (a) the employee or former employee gives written consent;
- 1522 (b) a court orders release of the records;
- 1523 (c) the government agency receives a certified death certificate for the employee or
1524 former employee; or
- 1525 (d) as it relates to the employee's voter registration record:
- 1526 (i) the person to whom the record or part of the record is released is a qualified

1527 person under Subsection 20A-2-104(4)(n); and
1528 (ii) the government agency's release of the record or part of the record complies with
1529 the requirements of Subsection 20A-2-104(4)(o).

1530 (5)(a) If the government agency holding the private record receives a subpoena for the
1531 records, the government agency shall attempt to notify the at-risk government
1532 employee or former employee by mailing a copy of the subpoena to the employee's
1533 last-known mailing address together with a request that the employee either:

1534 (i) authorize release of the record; or
1535 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
1536 government agency holding the private record a copy of a motion to quash filed
1537 with the court who issued the subpoena.

1538 (b) The government agency shall comply with the subpoena if the government agency
1539 has:

1540 (i) received permission from the at-risk government employee or former employee to
1541 comply with the subpoena;
1542 (ii) not received a copy of a motion to quash within 10 days of the date that the copy
1543 of the subpoena was mailed; or
1544 (iii) received a court order requiring release of the records.

1545 (6)(a) Except as provided in Subsection (6)(b), a form submitted under this section
1546 remains in effect until the earlier of:

1547 (i) four years after the date the employee signs the form, whether or not the
1548 employee's employment terminates before the end of the four-year period; and
1549 (ii) one year after the government agency receives official notice of the death of the
1550 employee.

1551 (b) A form submitted under this section may be rescinded at any time by:

1552 (i) the at-risk government employee who submitted the form; or
1553 (ii) if the at-risk government employee is deceased, a member of the employee's
1554 immediate family.

1555 Section 11. Section **63G-2-305** is amended to read:

1556 **63G-2-305 . Protected records.**

1557 The following records are protected if properly classified by a governmental entity:

1558 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
1559 provided the governmental entity with the information specified in Section 63G-2-309;
1560 (2) commercial information or nonindividual financial information obtained from a person

- 1561 if:
- 1562 (a) disclosure of the information could reasonably be expected to result in unfair
1563 competitive injury to the person submitting the information or would impair the
1564 ability of the governmental entity to obtain necessary information in the future;
- 1565 (b) the person submitting the information has a greater interest in prohibiting access than
1566 the public in obtaining access; and
- 1567 (c) the person submitting the information has provided the governmental entity with the
1568 information specified in Section 63G-2-309;
- 1569 (3) commercial or financial information acquired or prepared by a governmental entity to
1570 the extent that disclosure would lead to financial speculations in currencies, securities, or
1571 commodities that will interfere with a planned transaction by the governmental entity or
1572 cause substantial financial injury to the governmental entity or state economy;
- 1573 (4) records, the disclosure of which could cause commercial injury to, or confer a
1574 competitive advantage upon a potential or actual competitor of, a commercial project
1575 entity as defined in Subsection 11-13-103(4);
- 1576 (5) test questions and answers to be used in future license, certification, registration,
1577 employment, or academic examinations;
- 1578 (6) records, the disclosure of which would impair governmental procurement proceedings
1579 or give an unfair advantage to any person proposing to enter into a contract or agreement
1580 with a governmental entity, except, subject to Subsections (1) and (2), that this
1581 Subsection (6) does not restrict the right of a person to have access to, after the contract
1582 or grant has been awarded and signed by all parties:
- 1583 (a) a bid, proposal, application, or other information submitted to or by a governmental
1584 entity in response to:
- 1585 (i) an invitation for bids;
- 1586 (ii) a request for proposals;
- 1587 (iii) a request for quotes;
- 1588 (iv) a grant; or
- 1589 (v) other similar document; or
- 1590 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 1591 (7) information submitted to or by a governmental entity in response to a request for
1592 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
1593 restrict the right of a person to have access to the information, after:
- 1594 (a) a contract directly relating to the subject of the request for information has been

- 1595 awarded and signed by all parties; or
- 1596 (b)(i) a final determination is made not to enter into a contract that relates to the
1597 subject of the request for information; and
- 1598 (ii) at least two years have passed after the day on which the request for information
1599 is issued;
- 1600 (8) records that would identify real property or the appraisal or estimated value of real or
1601 personal property, including intellectual property, under consideration for public
1602 acquisition before any rights to the property are acquired unless:
- 1603 (a) public interest in obtaining access to the information is greater than or equal to the
1604 governmental entity's need to acquire the property on the best terms possible;
- 1605 (b) the information has already been disclosed to persons not employed by or under a
1606 duty of confidentiality to the entity;
- 1607 (c) in the case of records that would identify property, potential sellers of the described
1608 property have already learned of the governmental entity's plans to acquire the
1609 property;
- 1610 (d) in the case of records that would identify the appraisal or estimated value of
1611 property, the potential sellers have already learned of the governmental entity's
1612 estimated value of the property; or
- 1613 (e) the property under consideration for public acquisition is a single family residence
1614 and the governmental entity seeking to acquire the property has initiated negotiations
1615 to acquire the property as required under Section 78B-6-505;
- 1616 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
1617 transaction of real or personal property including intellectual property, which, if
1618 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
1619 value of the subject property, unless:
- 1620 (a) the public interest in access is greater than or equal to the interests in restricting
1621 access, including the governmental entity's interest in maximizing the financial
1622 benefit of the transaction; or
- 1623 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
1624 the value of the subject property have already been disclosed to persons not
1625 employed by or under a duty of confidentiality to the entity;
- 1626 (10) records created or maintained for civil, criminal, or administrative enforcement
1627 purposes or audit purposes, or for discipline, licensing, certification, or registration
1628 purposes, if release of the records:

- 1629 (a) reasonably could be expected to interfere with investigations undertaken for
1630 enforcement, discipline, licensing, certification, or registration purposes;
- 1631 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
1632 proceedings;
- 1633 (c) would create a danger of depriving a person of a right to a fair trial or impartial
1634 hearing;
- 1635 (d) reasonably could be expected to disclose the identity of a source who is not generally
1636 known outside of government and, in the case of a record compiled in the course of
1637 an investigation, disclose information furnished by a source not generally known
1638 outside of government if disclosure would compromise the source; or
- 1639 (e) reasonably could be expected to disclose investigative or audit techniques,
1640 procedures, policies, or orders not generally known outside of government if
1641 disclosure would interfere with enforcement or audit efforts;
- 1642 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 1643 (12) records the disclosure of which would jeopardize the security of governmental
1644 property, governmental programs, or governmental recordkeeping systems from
1645 damage, theft, or other appropriation or use contrary to law or public policy;
- 1646 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
1647 facility, or records relating to incarceration, treatment, probation, or parole, that would
1648 interfere with the control and supervision of an offender's incarceration, treatment,
1649 probation, or parole;
- 1650 (14) records that, if disclosed, would reveal recommendations made to the Board of
1651 Pardons and Parole by an employee of or contractor for the Department of Corrections,
1652 the Board of Pardons and Parole, or the Department of Health and Human Services that
1653 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
1654 person within the board's jurisdiction;
- 1655 (15) records and audit workpapers that identify audit, collection, and operational procedures
1656 and methods used by the State Tax Commission, if disclosure would interfere with
1657 audits or collections;
- 1658 (16) records of a governmental audit agency relating to an ongoing or planned audit until
1659 the final audit is released;
- 1660 (17) records that are subject to the attorney client privilege;
- 1661 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
1662 employee, or agent of a governmental entity for, or in anticipation of, litigation or a

- 1663 judicial, quasi-judicial, or administrative proceeding;
- 1664 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
- 1665 from a member of the Legislature; and
- 1666 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
- 1667 legislative action or policy may not be classified as protected under this section;
- 1668 and
- 1669 (b)(i) an internal communication that is part of the deliberative process in connection
- 1670 with the preparation of legislation between:
- 1671 (A) members of a legislative body;
- 1672 (B) a member of a legislative body and a member of the legislative body's staff; or
- 1673 (C) members of a legislative body's staff; and
- 1674 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
- 1675 legislative action or policy may not be classified as protected under this section;
- 1676 (20)(a) records in the custody or control of the Office of Legislative Research and
- 1677 General Counsel, that, if disclosed, would reveal a particular legislator's
- 1678 contemplated legislation or contemplated course of action before the legislator has
- 1679 elected to support the legislation or course of action, or made the legislation or course
- 1680 of action public; and
- 1681 (b) notwithstanding Subsection (20)(a), the ~~[form to request legislation]~~ following
- 1682 information included in a request for legislation submitted to the Office of
- 1683 Legislative Research and General Counsel is ~~[a public document]~~ public, unless a
- 1684 legislator ~~[asks that the records requesting the legislation]~~ requests that the information
- 1685 be maintained as ~~[protected records until such time as]~~ a protected record until the
- 1686 legislator elects to make the legislation or course of action public[?]; :
- 1687 (i) the short title of the legislation; and
- 1688 (ii) the legislator's name;
- 1689 (21) a research request from a legislator to a legislative staff member and research findings
- 1690 prepared in response to the request;
- 1691 (22) drafts, unless otherwise classified as public;
- 1692 (23) records concerning a governmental entity's strategy about:
- 1693 (a) collective bargaining; or
- 1694 (b) imminent or pending litigation;
- 1695 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
- 1696 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

- 1697 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 1698 (25) records, other than personnel evaluations, that contain a personal recommendation
1699 concerning an individual if disclosure would constitute a clearly unwarranted invasion
1700 of personal privacy, or disclosure is not in the public interest;
- 1701 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
1702 resources that if known would jeopardize the security of those resources or of valuable
1703 historic, scientific, educational, or cultural information;
- 1704 (27) records of independent state agencies if the disclosure of the records would conflict
1705 with the fiduciary obligations of the agency;
- 1706 (28) records of an institution of higher education defined in Section 53H-1-101 regarding
1707 tenure evaluations, appointments, applications for admissions, retention decisions, and
1708 promotions, which could be properly discussed in a meeting closed in accordance with
1709 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final
1710 decisions about tenure, appointments, retention, promotions, or those students admitted,
1711 may not be classified as protected under this section;
- 1712 (29) records of the governor's office, including budget recommendations, legislative
1713 proposals, and policy statements, that if disclosed would reveal the governor's
1714 contemplated policies or contemplated courses of action before the governor has
1715 implemented or rejected those policies or courses of action or made them public;
- 1716 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
1717 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
1718 recommendations in these areas;
- 1719 (31) records provided by the United States or by a government entity outside the state that
1720 are given to the governmental entity with a requirement that they be managed as
1721 protected records if the providing entity certifies that the record would not be subject to
1722 public disclosure if retained by it;
- 1723 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
1724 public body except as provided in Section 52-4-206;
- 1725 (33) records that would reveal the contents of settlement negotiations but not including final
1726 settlements or empirical data to the extent that they are not otherwise exempt from
1727 disclosure;
- 1728 (34) memoranda prepared by staff and used in the decision-making process by an
1729 administrative law judge, a member of the Board of Pardons and Parole, or a member of
1730 any other body charged by law with performing a quasi-judicial function;

- 1731 (35) records that would reveal negotiations regarding assistance or incentives offered by or
1732 requested from a governmental entity for the purpose of encouraging a person to expand
1733 or locate a business in Utah, but only if disclosure would result in actual economic harm
1734 to the person or place the governmental entity at a competitive disadvantage, but this
1735 section may not be used to restrict access to a record evidencing a final contract;
- 1736 (36) materials to which access must be limited for purposes of securing or maintaining the
1737 governmental entity's proprietary protection of intellectual property rights including
1738 patents, copyrights, and trade secrets;
- 1739 (37) the name of a donor or a prospective donor to a governmental entity, including an
1740 institution of higher education defined in Section 53H-1-101, and other information
1741 concerning the donation that could reasonably be expected to reveal the identity of the
1742 donor, provided that:
- 1743 (a) the donor requests anonymity in writing;
- 1744 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
1745 classified protected by the governmental entity under this Subsection (37); and
- 1746 (c) except for an institution of higher education defined in Section 53H-1-101, the
1747 governmental unit to which the donation is made is primarily engaged in educational,
1748 charitable, or artistic endeavors, and has no regulatory or legislative authority over
1749 the donor, a member of the donor's immediate family, or any entity owned or
1750 controlled by the donor or the donor's immediate family;
- 1751 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 1752 (39) a notification of workers' compensation insurance coverage described in Section
1753 34A-2-205;
- 1754 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher
1755 education defined in Section 53H-1-101, which have been developed, discovered,
1756 disclosed to, or received by or on behalf of faculty, staff, employees, or students of the
1757 institution:
- 1758 (a) unpublished lecture notes;
- 1759 (b) unpublished notes, data, and information:
- 1760 (i) relating to research; and
- 1761 (ii) of:
- 1762 (A) the institution of higher education defined in Section 53H-1-101; or
- 1763 (B) a sponsor of sponsored research;
- 1764 (c) unpublished manuscripts;

- 1765 (d) creative works in process;
- 1766 (e) scholarly correspondence; and
- 1767 (f) confidential information contained in research proposals;
- 1768 (g) this Subsection (40) may not be construed to prohibit disclosure of public
1769 information required pursuant to Subsection 53H-14-202(2)(a) or (b); and
- 1770 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 1771 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
1772 that would reveal the name of a [~~particular~~] legislator who requests a legislative audit
1773 prior to the date that audit is completed and made public; and
- 1774 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
1775 Office of the Legislative Auditor General is a public document unless the legislator
1776 asks that the records in the custody or control of the Office of the Legislative Auditor
1777 General that would reveal the name of a [~~particular~~] legislator who requests a
1778 legislative audit be maintained as protected records until the audit is completed and
1779 made public;
- 1780 (42) records that provide detail as to the location of an explosive, including a map or other
1781 document that indicates the location of:
- 1782 (a) a production facility; or
- 1783 (b) a magazine;
- 1784 (43) information contained in the statewide database of the Division of Aging and Adult
1785 Services created by Section 26B-6-210;
- 1786 (44) information contained in the Licensing Information System described in Title 80,
1787 Chapter 2, Child Welfare Services;
- 1788 (45) information regarding National Guard operations or activities in support of the
1789 National Guard's federal mission;
- 1790 (46) records provided by any pawn or secondhand business to a law enforcement agency or
1791 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
1792 Merchandise, and Catalytic Converter Transaction Information Act;
- 1793 (47) information regarding food security, risk, and vulnerability assessments performed by
1794 the Department of Agriculture and Food;
- 1795 (48) except to the extent that the record is exempt from this chapter pursuant to Section
1796 63G-2-106, records related to an emergency plan or program, a copy of which is
1797 provided to or prepared or maintained by the Division of Emergency Management, and
1798 the disclosure of which would jeopardize:

- 1799 (a) the safety of the general public; or
1800 (b) the security of:
1801 (i) governmental property;
1802 (ii) governmental programs; or
1803 (iii) the property of a private person who provides the Division of Emergency
1804 Management information;
- 1805 (49) records of the Department of Agriculture and Food that provides for the identification,
1806 tracing, or control of livestock diseases, including any program established under Title
1807 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
1808 of Animal Disease;
- 1809 (50) as provided in Section 26B-2-709:
1810 (a) information or records held by the Department of Health and Human Services related
1811 to a complaint regarding a provider, program, or facility which the department is
1812 unable to substantiate; and
1813 (b) information or records related to a complaint received by the Department of Health
1814 and Human Services from an anonymous complainant regarding a provider, program,
1815 or facility;
- 1816 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
1817 under Section 41-1a-116, an individual's home address, home telephone number, or
1818 personal mobile phone number, if:
1819 (a) the individual is required to provide the information in order to comply with a law,
1820 ordinance, rule, or order of a government entity; and
1821 (b) the subject of the record has a reasonable expectation that this information will be
1822 kept confidential due to:
1823 (i) the nature of the law, ordinance, rule, or order; and
1824 (ii) the individual complying with the law, ordinance, rule, or order;
- 1825 (52) the portion of the following documents that contains a candidate's residential or
1826 mailing address, if the candidate provides to the filing officer another address or phone
1827 number where the candidate may be contacted:
1828 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
1829 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
1830 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
1831 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
1832 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

- 1833 (53) the name, home address, work addresses, and telephone numbers of an individual that
1834 is engaged in, or that provides goods or services for, medical or scientific research that is:
1835 (a) conducted within the state system of higher education, as described in Section
1836 53H-1-102; and
1837 (b) conducted using animals;
- 1838 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
1839 Evaluation Commission concerning an individual commissioner's vote, in relation to
1840 whether a judge meets or exceeds minimum performance standards under Subsection
1841 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 1842 (55) information collected and a report prepared by the Judicial Performance Evaluation
1843 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
1844 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
1845 public, the information or report;
- 1846 (56) records provided or received by the Public Lands Policy Coordinating Office in
1847 furtherance of any contract or other agreement made in accordance with Section
1848 63L-11-202;
- 1849 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 1850 (58) in accordance with Section 73-10-33:
- 1851 (a) a management plan for a water conveyance facility in the possession of the Division
1852 of Water Resources or the Board of Water Resources; or
1853 (b) an outline of an emergency response plan in possession of the state or a county or
1854 municipality;
- 1855 (59) the following records in the custody or control of the Office of Inspector General of
1856 Medicaid Services, created in Section 63A-13-201:
- 1857 (a) records that would disclose information relating to allegations of personal
1858 misconduct, gross mismanagement, or illegal activity of a person if the information
1859 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
1860 Services through other documents or evidence, and the records relating to the
1861 allegation are not relied upon by the Office of Inspector General of Medicaid
1862 Services in preparing a final investigation report or final audit report;
- 1863 (b) records and audit workpapers to the extent they would disclose the identity of a
1864 person who, during the course of an investigation or audit, communicated the
1865 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
1866 violation of a law, rule, or regulation adopted under the laws of this state, a political

- 1867 subdivision of the state, or any recognized entity of the United States, if the
1868 information was disclosed on the condition that the identity of the person be
1869 protected;
- 1870 (c) before the time that an investigation or audit is completed and the final investigation
1871 or final audit report is released, records or drafts circulated to a person who is not an
1872 employee or head of a governmental entity for the person's response or information;
- 1873 (d) records that would disclose an outline or part of any investigation, audit survey plan,
1874 or audit program; or
- 1875 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
1876 investigation or audit;
- 1877 (60) records that reveal methods used by the Office of Inspector General of Medicaid
1878 Services, the fraud unit, or the Department of Health and Human Services, to discover
1879 Medicaid fraud, waste, or abuse;
- 1880 (61) information provided to the Department of Health and Human Services or the Division
1881 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
1882 58-68-304(3) and (4);
- 1883 (62) a record described in Section 63G-12-210;
- 1884 (63) captured plate data that is obtained through an automatic license plate reader system
1885 used by a governmental entity as authorized in Section 41-6a-2003;
- 1886 (64) an audio or video recording created by a body-worn camera, as that term is defined in
1887 Section 77-7a-103, that records sound or images inside a hospital or health care facility
1888 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
1889 as that term is defined in Section 78B-3-403, or inside a human service program as that
1890 term is defined in Section 26B-2-101, except for recordings that:
- 1891 (a) depict the commission of an alleged crime;
- 1892 (b) record any encounter between a law enforcement officer and a person that results in
1893 death or bodily injury, or includes an instance when an officer fires a weapon;
- 1894 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
1895 law enforcement officer or law enforcement agency;
- 1896 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
1897 or
- 1898 (e) have been requested for reclassification as a public record by a subject or authorized
1899 agent of a subject featured in the recording;
- 1900 (65) a record pertaining to the search process for a president of an institution of higher

- 1901 education described in Section 53H-3-302;
- 1902 (66) an audio recording that is:
- 1903 (a) produced by an audio recording device that is used in conjunction with a device or
- 1904 piece of equipment designed or intended for resuscitating an individual or for treating
- 1905 an individual with a life-threatening condition;
- 1906 (b) produced during an emergency event when an individual employed to provide law
- 1907 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 1908 service:
- 1909 (i) is responding to an individual needing resuscitation or with a life-threatening
- 1910 condition; and
- 1911 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 1912 individual or for treating an individual with a life-threatening condition; and
- 1913 (c) intended and used for purposes of training emergency responders how to improve
- 1914 their response to an emergency situation;
- 1915 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
- 1916 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
- 1917 Legislative Audit Subcommittee, established under Section 36-12-8, for an employment
- 1918 position with the Legislature;
- 1919 (68) work papers as defined in Section 31A-2-204;
- 1920 (69) a record made available to Adult Protective Services or a law enforcement agency
- 1921 under Section 61-1-206;
- 1922 (70) a record submitted to the Insurance Department in accordance with Section
- 1923 31A-37-201;
- 1924 (71) a record described in Section 31A-37-503;
- 1925 (72) any record created by the Division of Professional Licensing as a result of Subsection
- 1926 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 1927 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
- 1928 involving an amusement ride;
- 1929 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
- 1930 political petition, or on a request to withdraw a signature from a political petition,
- 1931 including a petition or request described in the following titles:
- 1932 (a) Title 10, Utah Municipal Code;
- 1933 (b) Title 17, Counties;
- 1934 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

- 1935 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
1936 (e) Title 20A, Election Code;
- 1937 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
1938 voter registration record;
- 1939 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
1940 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local
1941 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 1942 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
1943 Victims Guidelines for Prosecutors Act;
- 1944 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 1945 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
1946 prohibited under Section 63G-26-103;
- 1947 (80) an image taken of an individual during the process of booking the individual into jail,
1948 unless:
- 1949 (a) the individual is convicted of a criminal offense based upon the conduct for which
1950 the individual was incarcerated at the time the image was taken;
- 1951 (b) a law enforcement agency releases or disseminates the image:
- 1952 (i) after determining that the individual is a fugitive or an imminent threat to an
1953 individual or to public safety and releasing or disseminating the image will assist
1954 in apprehending the individual or reducing or eliminating the threat; or
- 1955 (ii) to a potential witness or other individual with direct knowledge of events relevant
1956 to a criminal investigation or criminal proceeding for the purpose of identifying or
1957 locating an individual in connection with the criminal investigation or criminal
1958 proceeding;
- 1959 (c) a judge orders the release or dissemination of the image based on a finding that the
1960 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 1961 (d) the image is displayed to a person who is permitted to view the image under Section
1962 17-72-802;
- 1963 (81) a record:
- 1964 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 1965 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1966 representative from another state or the federal government as provided in Section
1967 63M-14-205; and
- 1968 (c) the disclosure of which would:

- 1969 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
 1970 Colorado River system;
- 1971 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
 1972 negotiate the best terms and conditions regarding the use of water in the Colorado
 1973 River system; or
- 1974 (iii) give an advantage to another state or to the federal government in negotiations
 1975 regarding the use of water in the Colorado River system;
- 1976 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
 1977 of Economic Opportunity determines is nonpublic, confidential information that if
 1978 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
 1979 may not be used to restrict access to a record evidencing a final contract or approval
 1980 decision;
- 1981 (83) the following records of a drinking water or wastewater facility:
- 1982 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
 1983 and
- 1984 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
 1985 drinking water or wastewater facility uses to secure, or prohibit access to, the records
 1986 described in Subsection (83)(a);
- 1987 (84) a statement that an employee of a governmental entity provides to the governmental
 1988 entity as part of the governmental entity's personnel or administrative investigation into
 1989 potential misconduct involving the employee if the governmental entity:
- 1990 (a) requires the statement under threat of employment disciplinary action, including
 1991 possible termination of employment, for the employee's refusal to provide the
 1992 statement; and
- 1993 (b) provides the employee assurance that the statement cannot be used against the
 1994 employee in any criminal proceeding;
- 1995 (85) any part of an application for a Utah Fits All Scholarship account described in Section
 1996 53F-6-402 or other information identifying a scholarship student as defined in Section
 1997 53F-6-401;
- 1998 (86) a record:
- 1999 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 2000 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
 2001 person concerning the claim, including a representative from another state or the
 2002 federal government; and

- 2003 (c) the disclosure of which would:
- 2004 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 2005 Great Salt Lake;
- 2006 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
- 2007 and conditions regarding the use of water in the Great Salt Lake; or
- 2008 (iii) give an advantage to another person including another state or to the federal
- 2009 government in negotiations regarding the use of water in the Great Salt Lake;
- 2010 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
- 2011 reclassified as public as described in Subsection 13-2-11(4);
- 2012 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 2013 (a) concerning a claim to the use of waters;
- 2014 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 2015 representative from another state, a tribe, the federal government, or other
- 2016 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
- 2017 and
- 2018 (c) the disclosure of which would:
- 2019 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 2020 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
- 2021 regarding the use of water; or
- 2022 (iii) give an advantage to another state, a tribe, the federal government, or other
- 2023 government entity in negotiations regarding the use of water; and
- 2024 (89) a record created or maintained for an investigation of the Prosecutor Conduct
- 2025 Commission, created in Section 63M-7-1102, that contains any personal identifying
- 2026 information of a prosecuting attorney, including:
- 2027 (a) a complaint, or a document that is submitted or created for a complaint, received by
- 2028 the Prosecutor Conduct Commission; or
- 2029 (b) a finding by the Prosecutor Conduct Commission.
- 2030 Section 12. Section **63G-2-400.5** is amended to read:
- 2031 **63G-2-400.5 . Definitions.**
- 2032 As used in this part:
- 2033 (1) "Access denial" means a governmental entity's denial, under Subsection [~~63G-2-204(9)~~]
- 2034 63G-2-204(10) or Section 63G-2-205, in whole or in part, of a record request.
- 2035 [~~(2) "Appellate affirmation" means a decision of a chief administrative officer, a local~~
- 2036 ~~appeals board, or the director affirming an access denial.]~~

- 2037 [~~(3)~~] (2) "Director" means the director of the Government Records Office.
- 2038 [~~(4)~~] (3) "Interested party" means a person, other than a requester, who is aggrieved by an
- 2039 access denial or [~~an appellate~~] a respondent affirmation, regardless of whether the person
- 2040 participated in proceedings leading to the access denial or [~~appellate~~] respondent
- 2041 affirmation.
- 2042 [~~(5)~~] (4) "Local appeals board" means an appeals board established by a political
- 2043 subdivision under Subsection 63G-2-701(5)(c).
- 2044 [~~(6)~~] (5) "Record request" means a [~~request for a record~~] record request under Section
- 2045 63G-2-204.
- 2046 [~~(7)~~] (6) "Records [~~appellant~~] petitioner" means:
- 2047 (a) a political subdivision that seeks to appeal a [~~decision of a~~]local appeals board
- 2048 decision to the director; or
- 2049 (b) a requester or interested party who seeks to appeal [~~to the director a decision~~
- 2050 ~~affirming~~]an access denial to the director.
- 2051 [~~(8)~~] (7) "Requester" means a person who submits a record request to a governmental entity.
- 2052 (8) "Respondent affirmation" means a decision of a chief administrative officer, a local
- 2053 appeals board, or the director affirming an access denial.
- 2054 Section 13. Section **63G-2-401** is amended to read:
- 2055 **63G-2-401 . Appeal to chief administrative officer -- Notice of the decision of the**
- 2056 **appeal.**
- 2057 (1)(a) A requester or interested party may appeal an access denial or the denial of a fee
- 2058 waiver under Subsection 63G-2-203(4) to the chief administrative officer of the
- 2059 governmental entity by filing a notice of appeal with the chief administrative officer
- 2060 within 30 days after:
- 2061 (i) for an access denial:
- 2062 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if
- 2063 the governmental entity denies a record request under Subsection 63G-2-205
- 2064 (1); or
- 2065 (B) the record request is considered denied under Subsection [~~63G-2-204(9)~~]
- 2066 63G-2-204(10), if that subsection applies; or
- 2067 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester
- 2068 that the fee waiver is denied.
- 2069 (b) If a governmental entity claims [~~extraordinary~~] exceptional circumstances and
- 2070 specifies the date when the records will be available under Subsection 63G-2-204(4),

2071 and, if the requester believes the [~~extraordinary~~] exceptional circumstances do not
2072 exist or that the date specified is unreasonable, the requester may appeal the
2073 governmental entity's claim of [~~extraordinary~~] exceptional circumstances or date for
2074 compliance to the chief administrative officer by filing a notice of appeal with the
2075 chief administrative officer within 30 days after notification of a claim of [
2076 ~~extraordinary~~] exceptional circumstances by the governmental entity, despite the lack
2077 of a "determination" or its equivalent under Subsection [~~63G-2-204(9)~~] 63G-2-204(10).

2078 (2) A notice of appeal shall contain:

2079 (a) the name, mailing address, and daytime telephone number of the requester or
2080 interested party; and

2081 (b) the relief sought.

2082 (3) The requester or interested party may file a short statement of facts, reasons, and legal
2083 authority in support of the appeal.

2084 (4)(a) If the appeal involves a record that is the subject of a business confidentiality
2085 claim under Section 63G-2-309, the chief administrative officer shall:

2086 (i) send notice of the appeal to the business confidentiality claimant within three
2087 business days after receiving notice, except that if notice under this section must
2088 be given to more than 35 persons, it shall be given as soon as reasonably possible;
2089 and

2090 (ii) send notice of the business confidentiality claim and the schedule for the chief
2091 administrative officer's determination to the requester or interested party within
2092 three business days after receiving notice of the appeal.

2093 (b) The business confidentiality claimant shall have seven business days after notice is
2094 sent by the administrative officer to submit further support for the claim of business
2095 confidentiality.

2096 (5)(a) The chief administrative officer shall make a decision on the appeal within:

2097 (i)(A) 10 business days after the chief administrative officer's receipt of the notice
2098 of appeal; or

2099 (B) five business days after the chief administrative officer's receipt of the notice
2100 of appeal, if the requester or interested party demonstrates that an expedited
2101 decision benefits the public rather than the requester or interested party; or

2102 (ii) 12 business days after the governmental entity sends the notice of appeal to a
2103 person who submitted a claim of business confidentiality.

2104 (b)(i) If the chief administrative officer fails to make a decision on an appeal of an

- 2105 access denial within the time specified in Subsection (5)(a), the failure is the
2106 equivalent of a decision affirming the access denial.
- 2107 (ii) If the chief administrative officer fails to make a decision on an appeal under
2108 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the
2109 equivalent of a decision affirming the claim of [~~extraordinary~~] exceptional
2110 circumstances or the reasonableness of the date specified when the records will be
2111 available.
- 2112 (c) [~~The provisions of this section notwithstanding~~] Notwithstanding any other provision
2113 of this section, the parties participating in the proceeding may, by agreement, extend
2114 the time periods specified in this section.
- 2115 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon
2116 consideration and weighing of the various interests and public policies [~~pertinent~~] related
2117 to the classification and disclosure or nondisclosure of a record, order the disclosure of
2118 information properly classified as private under Subsection 63G-2-302(2) or protected
2119 under Section 63G-2-305 if the interests favoring access are greater than or equal to the
2120 interests favoring restriction of access.
- 2121 (7)(a) The governmental entity shall [~~send~~] provide written notice of the chief
2122 administrative officer's decision to all participants.
- 2123 (b) If the chief administrative officer's decision is to affirm the access denial in whole or
2124 in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall
2125 include:
- 2126 (i) a statement that the requester has a right under Section 63A-12-204 to request the
2127 government records ombudsman to mediate the dispute between the requester and
2128 the governmental entity concerning the access denial or the fee waiver denial;
- 2129 (ii) a statement that the requester or interested party has the right to appeal the
2130 decision, as provided in Section 63G-2-402, to:
- 2131 (A) the director or district court; or
2132 (B) the local appeals board, if the governmental entity is a political subdivision
2133 and the governmental entity has established a local appeals board;
- 2134 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including
2135 an explanation of a suspension of the time limits, as provided in Subsections
2136 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks
2137 mediation under Section 63A-12-204; and
2138 (iv) the name and business address of:

- 2139 (A) the director;
- 2140 (B) the individual designated as the contact individual for the appeals board, if the
- 2141 governmental entity is a political subdivision that has established an appeals
- 2142 board under Subsection 63G-2-701(5)(c); and
- 2143 (C) the government records ombudsman.

2144 ~~[(8)(a) A person aggrieved by a governmental entity's classification or designation~~

2145 ~~determination under this chapter, but who is not requesting access to the records, may~~

2146 ~~appeal that determination using the procedures provided in this section.]~~

2147 ~~[(b) If a nonrequester is the only appellant, the procedures provided in this section shall~~

2148 ~~apply, except that the decision on the appeal shall be made within 30 days after the~~

2149 ~~day on which the appellant files the notice of appeal.]~~

2150 (8)(a) Except as provided in Subsection (8)(b), an interested party who is aggrieved by a

2151 governmental entity's record classification or designation under this chapter may

2152 appeal the governmental entity's determination as provided in this section.

2153 (b) If a governmental entity receives a notice of appeal as described in Subsection (8)(a),

2154 and the interested party is the only petitioner, the chief administrative officer shall

2155 respond no later than 30 days after the day on which the chief administrative officer

2156 receives notice of the appeal.

2157 (9) The duties of the chief administrative officer under this section may be delegated.

2158 Section 14. Section **63G-2-403** is amended to read:

2159 **63G-2-403 . Appeals to the director of the Government Records Office.**

2160 (1)(a) A records ~~[appellant]~~ petitioner appeals to the director by filing a notice of appeal

2161 with the director no later than 30 days after the day on which the decision being

2162 appealed is issued.

2163 (b) Notwithstanding Subsection (1)(a), a requester may file a notice of appeal with the

2164 director no later than 45 days after the day on which the record request is made if:

- 2165 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and
- 2166 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.

2167 (c) The time for a requester to file a notice of appeal under Subsection (1)(a) or (b) is

2168 suspended for the period of time that:

- 2169 (i) begins on the date the requester submits a request under Section 63A-12-204 for
- 2170 the government records ombudsman to mediate the dispute between the requester
- 2171 and the governmental entity; and
- 2172 (ii) ends the earlier of the following dates:

- 2173 (A) the date that the government records ombudsman certifies in writing that the
 2174 mediation is concluded; or
- 2175 (B) the date that the government records ombudsman certifies in writing that the
 2176 mediation did not occur or was not concluded because of a lack of the required
 2177 consent.
- 2178 (2) The notice of appeal shall:
- 2179 (a) contain the name, mailing address, and daytime telephone number of the records [
 2180 ~~appellant~~] petitioner;
- 2181 (b) be accompanied by a copy of the decision being appealed; and
- 2182 (c) state the relief sought.
- 2183 (3) The records [~~appellant~~] petitioner:
- 2184 (a) shall, on the day on which the notice of appeal is filed with the director, serve a copy
 2185 of the notice of appeal on:
- 2186 (i) the governmental entity whose access denial or fee waiver denial is the subject of
 2187 the appeal, if the records appellant is a requester or interested party; or
- 2188 (ii) the requester or interested party who is a party to the local appeals board
 2189 proceeding that resulted in the decision that the political subdivision is appealing
 2190 to the director, if the records appellant is a political subdivision; and
- 2191 (b) may file a short statement of facts, reasons, and legal authority in support of the
 2192 appeal.
- 2193 (4)(a) Except as provided in Subsections (4)(b) [~~and (c)~~] through (d), no later than seven
 2194 business days after [~~receiving a notice of appeal~~] the day on which the director
 2195 receives a notice of appeal, the director shall:
- 2196 (i) schedule a hearing for the director to discuss the appeal at the next regularly
 2197 scheduled hearing date that is at least 16 calendar days after the date the notice of
 2198 appeal is filed but no later than [~~64~~] 90 calendar days after the [~~date~~] day on which
 2199 the notice of appeal is filed, except that the director may schedule an expedited
 2200 hearing upon application of the records [~~appellant~~] petitioner and for good cause
 2201 shown;
- 2202 (ii) send a copy of the notice of hearing to the records [~~appellant~~] petitioner; and
- 2203 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing
 2204 to:
- 2205 (A) the records officer and the chief administrative officer of the governmental
 2206 entity whose access denial is the subject of the appeal, if the records [~~appellant~~]

2207 petitioner is a requester or interested party; and

2208 [~~(B) any person who made a business confidentiality claim under Section~~
2209 ~~63G-2-309 for a record that is the subject of the appeal; and]~~

2210 [~~(C)~~] (B) [all persons] any person who participated in the proceedings before the
2211 governmental entity's chief administrative officer, if the appeal is of the chief
2212 administrative officer's decision affirming an access denial.

2213 (b)[~~(i)~~] The director may decline to schedule a hearing if the record series that is the
2214 subject of the appeal [has been found by the director in a previous hearing
2215 involving the same governmental entity to be appropriately classified as private,
2216 controlled, or protected] is substantially similar to an appeal the director previously
2217 decided.

2218 [~~(ii)~~] (c) If, under Subsection (4)(b), the director declines to schedule a hearing, the
2219 director shall [send a notice to the records appellant indicating that the request for
2220 hearing has been denied and the reason for the denial.] :

2221 (i) render a written decision and enter an order consistent with the previous decision;
2222 and

2223 (ii) provide each party with:

2224 (A) a copy of the written decision and order;

2225 (B) notice that the director declined to schedule a hearing, that explains the reason
2226 for declining; and

2227 (C) notice of the right to appeal the decision and order, as described in Subsection
2228 (15).

2229 [~~(e)~~] (d) The director may schedule a hearing on an appeal to the director on a
2230 regularly-scheduled hearing date that is later than the period described in Subsection
2231 (4)(a)(i) if [that] the hearing date is the first [regularly-scheduled-]hearing date at
2232 which there are fewer than 10 appeals scheduled to be heard.

2233 (5)(a) No later than five business days before the day of the hearing, [a governmental
2234 entity shall submit to the director] each party shall provide to the director a written
2235 statement of facts, reasons, and legal authority in support of the [governmental entity's]
2236 party's position.

2237 (b) [~~The governmental entity shall send a copy of the written statement by first class~~
2238 ~~mail, postage prepaid, to the requester or interested-] Each party shall send a copy of~~
2239 the party's written statement to each other party involved in the appeal, by email, on
2240 the same day on which the party complies with Subsection (5)(a).

- 2241 (6)(a) No later than [~~10~~] 15 business days [~~after the day on which the director sends the~~
 2242 ~~notice of appeal~~] before the day of the hearing, a person whose legal interests may be
 2243 substantially affected by the proceeding may file a request for intervention with the
 2244 director.
- 2245 (b) Any written statement of facts, reasons, and legal authority in support of the
 2246 intervener's position shall be filed with the request for intervention.
- 2247 (c) The person seeking intervention shall provide copies of the statement described in
 2248 Subsection (6)(b) to all parties to the proceedings before the director.
- 2249 (7)(a) The director shall hold a hearing within the period of time described in Subsection
 2250 (4).
- 2251 (b) In accordance with Chapter 3, Utah Administrative Rulemaking Act, the division
 2252 shall make rules requiring that a hearing under this section is open to the public in
 2253 substantially the same manner as a meeting under Title 52, Chapter 4, Open and
 2254 Public Meetings Act.
- 2255 (8) At the hearing, the director:
- 2256 (a) shall allow the parties to testify, present evidence, and comment on the issues; and
 2257 (b) may allow other interested persons to comment on the issues.
- 2258 (9)(a)(i) The director:
- 2259 (A) may review the disputed records; and
 2260 (B) shall review the disputed records, if the director is weighing the various
 2261 interests under Subsection (11).
- 2262 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.
- 2263 (b) The director may not disclose any information or record reviewed by the director in
 2264 camera unless the disclosure is otherwise authorized [~~by~~] under this chapter.
- 2265 (10)(a) [~~Discovery is prohibited, but the~~] The director may issue subpoenas or other
 2266 orders to compel production of necessary evidence.
- 2267 (b) When the subject of a subpoena issued by the director disobeys or fails to comply
 2268 with the subpoena, the director may file a motion for an order to compel [~~obedienee~~
 2269 ~~to the subpoena~~] with the district court.
- 2270 (c)(i) The director's review shall be de novo, if the appeal is an appeal from a
 2271 decision of a chief administrative officer:
- 2272 (A) issued under Section 63G-2-401; or
 2273 (B) issued by a chief administrative officer of a political subdivision that has not
 2274 established a local appeals board.

2275 (ii) For an appeal from a decision of a local appeals board, the director shall review
2276 and consider the decision of the local appeals board.

2277 (11)(a) No later than seven business days after the day of the hearing, the director shall
2278 issue a signed order:

2279 (i) granting the relief sought, in whole or in part; or

2280 (ii) upholding the governmental entity's access denial, in whole or in part.

2281 (b) Except as provided in Section 63G-2-406, the director may, upon consideration and
2282 weighing of the various interests and public policies [~~pertinent~~] relating to the
2283 classification and disclosure or nondisclosure of a record, order the disclosure of
2284 information properly classified as private, controlled, or protected if the public
2285 interest favoring access is greater than or equal to the interest favoring restriction of
2286 access.

2287 (c) In making a determination under Subsection (11)(b), the director shall consider and,
2288 where appropriate, limit the requester's or interested party's use and further disclosure
2289 of the record in order to protect:

2290 (i) privacy interests in the case of a private or controlled record;

2291 (ii) business confidentiality interests in the case of a record protected under
2292 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

2293 (iii) privacy interests or the public interest in the case of other protected records.

2294 (12) The order of the director shall include:

2295 (a) a statement of reasons for the decision, including citations to this chapter, court rule
2296 or order, another state statute, federal statute, or federal regulation that governs
2297 disclosure of the record, if the citations do not disclose private, controlled, or
2298 protected information;

2299 (b) a description of the record or portions of the record to which access is ordered or
2300 denied, if the description does not disclose private, controlled, or protected
2301 information or information exempt from disclosure under Subsection 63G-2-201
2302 (3)(b);

2303 (c) a statement that any party to the proceeding before the director may appeal the
2304 director's decision to district court; and

2305 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a
2306 notice that in order to protect [its] a party's rights on appeal, the party may wish to
2307 seek advice from an attorney.

2308 (13)(a) If the director fails to issue a decision within 73 calendar days after the day of

2309 the filing of the notice of appeal, that failure is the equivalent of an order denying the
2310 appeal.

2311 (b) A records appellant shall notify the director in writing if the records appellant
2312 considers the appeal denied.

2313 (14) A party to a proceeding before the director may seek judicial review in district court of
2314 a director's order by filing a petition for review ~~[of the order]~~ as provided in Section
2315 63G-2-404.

2316 (15)(a) Unless ~~[a notice of intent to]~~ an appeal is filed under Subsection ~~[(15)(b)]~~ (14),
2317 each party to the proceeding shall comply with the order of the director.

2318 ~~[(b) If a party disagrees with the order of the director, that party may file a notice of~~
2319 ~~intent to appeal the order.]~~

2320 ~~[(e)]~~ (b) If the director orders the governmental entity to produce a record and no appeal
2321 is timely filed, or if, as a result of the appeal, the governmental entity is required to
2322 produce a record, the governmental entity shall:

2323 (i) produce the record; and

2324 (ii) file a notice of compliance with the director.

2325 ~~[(d)]~~ (c)(i) If the governmental entity that is ordered to produce a record fails to file a
2326 notice of compliance or ~~[a notice of intent to]~~ to timely file an appeal, the director
2327 may~~[- do either or both of the following]:~~

2328 (A) impose a civil penalty of up to \$500 for each day of continuing
2329 noncompliance; or

2330 (B) send written notice of the governmental entity's noncompliance to the
2331 governor.

2332 (ii) In imposing a civil penalty under Subsection (15)(c)(i)(A), the director shall
2333 consider the gravity and circumstances of the violation, including whether the
2334 failure to comply was due to neglect or was willful or intentional.

2335 (16) The director may:

2336 (a) decline to schedule a hearing regarding a disputed fee, fee amount, or fee waiver if
2337 the director determines that the petition for hearing is without merit; or

2338 (b) request that the governmental entity provide information regarding how the fee was
2339 calculated.

2340 (17) If the director declines to schedule a hearing under Subsection (16)(a), the director
2341 shall:

2342 (a) issue an order declining to schedule a hearing that includes the reasons for declining

2343 to schedule a hearing; and

2344 (b) send a copy of the order described in Subsection (17)(a) to the parties.

2345 Section 15. Section **63G-2-604** is amended to read:

2346 **63G-2-604 . Retention and disposition of records.**

2347 (1)(a) Except for a governmental entity that is permitted to maintain the governmental
2348 entity's own retention schedules under Part 7, Applicability to Political Subdivisions,
2349 the Judiciary, the Legislature, and the Governor and Lieutenant Governor, each
2350 governmental entity shall file with the Records Management Committee created in
2351 Section 63A-12-112 a proposed schedule for the retention and disposition of each
2352 type of material that is defined as a record under this chapter.

2353 (b) After a retention schedule is reviewed and approved by the Records Management
2354 Committee under Subsection 63A-12-113(1)(b), the governmental entity shall
2355 maintain and destroy records in accordance with the retention schedule.

2356 (c) If a governmental entity subject to the provisions of this ~~[section]~~ Subsection (1) has
2357 not received an approved retention schedule from the Records Management
2358 Committee for a specific type of material that is defined as a record under this
2359 chapter, the general retention schedule maintained by the state archivist shall govern
2360 the retention and destruction of that type of material.

2361 (2) A retention schedule that is filed with or approved by the Records Management
2362 Committee under the requirements of this section is a public record.

2363 (3) A governmental entity shall, on an annual basis, before August 1:

2364 (a) review the governmental entity's records retention requirements;

2365 (b) update the governmental entity's records retention requirements, if needed;

2366 (c) determine whether the governmental entity is complying with the records retention
2367 requirements; and

2368 (d) take necessary action to ensure compliance with the records retention requirements.

2369 Section 16. Section **63G-2-605** is enacted to read:

2370 **63G-2-605 . Employee education on government records requirements.**

2371 A governmental entity shall comply with the applicable employee education
2372 requirements described in Section 63A-12-117.

2373 Section 17. Section **63G-2-701** is amended to read:

2374 **63G-2-701 . Political subdivisions may adopt ordinances in compliance with**
2375 **chapter -- Appeal process.**

2376 (1) As used in this section:

- 2377 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.
- 2378 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.
- 2379 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.
- 2380 (2)(a) Each political subdivision may adopt an ordinance or a policy [~~applicable~~
 2381 ~~throughout its jurisdiction~~] within the political subdivision's jurisdiction relating to
 2382 information practices including classification, designation, access, denials,
 2383 segregation, appeals, management, retention, and amendment of records.
- 2384 (b) The ordinance or policy shall:
- 2385 (i) comply with the criteria [set forth] described in this section[-] ;
- 2386 (ii) provide guidance to staff and elected officials regarding the use of a personal
 2387 device or account when conducting government business;
- 2388 (iii) assign records management staff specific responsibilities related to records
 2389 management; and
- 2390 (iv) be approved by the political subdivision's governing body.
- 2391 (c) A political subdivision shall:
- 2392 (i) regularly train staff and elected officials on the records retention ordinance or
 2393 policy; and
- 2394 (ii) implement a process to monitor and encourage compliance with the ordinance or
 2395 policy by staff and elected officials.
- 2396 [(e)] (d) [~~If any-~~] A political subdivision that does not adopt and maintain an ordinance or
 2397 policy[-, then that political subdivision] is subject to this chapter.
- 2398 [(d)] (e) Notwithstanding the adoption of an ordinance or policy, each political
 2399 subdivision is subject to Part 1, General Provisions, Part 3, Classification, and
 2400 Sections 63A-12-105, 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206,
 2401 63G-2-601, and 63G-2-602.
- 2402 [(e)] (f) [~~Every-~~] A political subdivision shall file the political subdivision's ordinance[-] or
 2403 policy, [or] and each amendment to the ordinance or policy [shall be filed with the]
 2404 with state archives no later than 30 days after [its] the effective date of the ordinance,
 2405 policy, or amendment.
- 2406 [(f)] (g) The political subdivision shall [~~also report to the state archives]~~ provide to state
 2407 archives all retention schedules[-] and all designations and classifications applied to a
 2408 record series [maintained by] that the political subdivision maintains.
- 2409 [(g)] (h)(i) [~~The report required by Subsection (2)(f) is notification to state archives~~
 2410 ~~of the political subdivision's retention schedules, designations, and classifications.~~

- 2411 ~~The report]~~ The information provided under Subsection (2)(g) is not subject to
 2412 approval by state archives.
- 2413 (ii) If state archives determines that a different retention schedule is needed for state
 2414 purposes, state archives shall notify the political subdivision of the state's retention
 2415 schedule for the records and shall maintain the records if requested to do so under
 2416 Subsection 63A-12-105(2).
- 2417 (3) Each political subdivision's ordinance or policy relating to information practices shall:
- 2418 (a) provide standards for ~~[the]~~ record classification and designation ~~[of the records of the~~
 2419 ~~political subdivision]~~ as public, private, controlled, or protected in accordance with
 2420 Part 3, Classification;
- 2421 (b) require ~~[the]~~ record classification ~~[of the records of the political subdivision]~~ in
 2422 accordance with ~~[those]~~ the standards described in Subsection (3)(a);
- 2423 (c) provide guidelines for ~~[establishment of]~~ establishing fees in accordance with Section
 2424 63G-2-203; and
- 2425 (d) provide management and retention standards ~~[for the management and retention of~~
 2426 ~~the records of the political subdivision]~~ comparable to Section 63A-12-103.
- 2427 (4)(a) Each ordinance or policy shall establish:
- 2428 (i) access criteria, procedures, and response times for requests to inspect, obtain, or
 2429 amend records~~[of the political subdivision,]~~ ; and
- 2430 (ii) time limits for appeals consistent with this chapter.
- 2431 (b) In establishing response times for access requests and time limits for appeals, ~~[the~~
 2432 ~~political subdivision may establish reasonable time frames different than those set out~~
 2433 ~~in Section 63G-2-204 and Part 4, Appeals, if it determines that the resources of the~~
 2434 ~~political subdivision are insufficient to meet the requirements of those sections]~~ if a
 2435 political subdivision determines that the political subdivision's resources are
 2436 insufficient to meet the requirements under this chapter, the political subdivision may
 2437 set reasonable time frames different than the time frames described in Section
 2438 63G-2-204 and Part 4, Appeals.
- 2439 (5)(a) A political subdivision shall establish an appeals process for ~~[persons]~~ a person
 2440 aggrieved by a classification, designation, or access ~~[decisions]~~ decision.
- 2441 (b) A political subdivision's appeals process shall include a process for a requester or
 2442 interested party to appeal an access denial~~[to a person designated by the political~~
 2443 ~~subdivision as]~~ , as described in Section 63G-2-401, to the individual designated as
 2444 the chief administrative officer~~[for purposes of an appeal under Section 63G-2-401]~~.

- 2445 (c)(i) A political subdivision may establish an appeals board to decide an appeal of a
 2446 decision of the chief administrative officer affirming an access denial.
- 2447 (ii) An appeals board established by a political subdivision shall be composed of
 2448 three members:
- 2449 (A) one of whom shall be an employee of the political subdivision; and
 2450 (B) two of whom shall be members of the public who are not employed by or
 2451 officials of a governmental entity, at least one of whom shall have professional
 2452 experience with requesting or managing records.
- 2453 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of
 2454 a chief administrative officer shall be made to the appeals board.
- 2455 (iv) If a political subdivision does not establish an appeals board, the political
 2456 subdivision's appeals process shall provide for an appeal of a chief administrative
 2457 officer's decision to the director of the Government Records Office, as provided in
 2458 Section 63G-2-403.
- 2459 (d) A political subdivision that establishes an appeals board shall notify the executive
 2460 secretary no later than 30 days after the day on which the political subdivision
 2461 establishes the appeals board.
- 2462 (6)(a) A political subdivision or requester may appeal an appeals board decision:
 2463 (i) to the director of the Government Records Office, as provided in Section
 2464 63G-2-403; or
 2465 (ii) by filing a petition for judicial review with the district court.
- 2466 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the
 2467 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and
 2468 63G-2-404.
- 2469 (c) A person who appeals an appeals board decision to the director of the Government
 2470 Records Office does not lose or waive the right to seek judicial review of the decision
 2471 of the director of the Government Records Office.
- 2472 (7) ~~[Any]~~ A political subdivision that adopts an ordinance or policy under Subsection ~~[(4)]~~
 2473 (2) shall forward to state archives a copy and summary description of the ordinance or
 2474 policy.
- 2475 Section 18. Section **63G-2-801** is amended to read:
 2476 **63G-2-801 . Criminal penalties.**
- 2477 (1)(a) A public employee or other ~~[person]~~ individual who has lawful access to any
 2478 private, controlled, or protected record under this chapter, and who intentionally

- 2479 discloses, provides a copy of, or improperly uses a private, controlled, or protected
2480 record knowing that the disclosure or use is prohibited under this chapter, [~~is,~~]except
2481 as provided in Subsection 53-5a-310(1)(c), is guilty of a class B misdemeanor.
- 2482 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
2483 private, controlled, or protected information in the reasonable belief that the use or
2484 disclosure of the information was necessary to expose a violation of law involving
2485 government corruption, abuse of office, or misappropriation of public funds or
2486 property.
- 2487 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
2488 lawfully been released to the recipient if it had been properly classified.
- 2489 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
2490 other person disclosed, provided, or used the record based on a good faith belief that
2491 the disclosure, provision, or use was in accordance with the law.
- 2492 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
2493 copy of any private, controlled, or protected record to which the person is not legally
2494 entitled is guilty of a class B misdemeanor.
- 2495 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
2496 information, or copy after the fact and without prior knowledge of or participation in
2497 the false pretenses, bribery, or theft.
- 2498 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of
2499 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 2500 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
2501 failure to release the record was based on a good faith belief that the public employee
2502 was acting in accordance with the requirements of law.
- 2503 (c) A public employee who intentionally refuses to release a record, the disclosure of
2504 which the employee knows is required by a final unappealed order from a [
2505 ~~government~~] governmental entity, the director of the Government Records Office, or
2506 a court is guilty of a class B misdemeanor.
- 2507 (4) A person who intentionally violates Section 63G-2-210 is guilty of a class B
2508 misdemeanor.
- 2509 (5)(a) As used in this Subsection (5), "pending records request" means a record request
2510 that:
- 2511 (i) a person has submitted; and
- 2512 (ii) the governmental entity;

- 2513 (A) has not denied the record request, but has not yet provided all records
 2514 requested;
 2515 (B) has denied the record request, in whole or in part, and the deadline for
 2516 appealing the denial has not passed;
 2517 (C) has denied the record request, in whole or in part, an appeal is filed in relation
 2518 to the record request, and the appeal is not final; or
 2519 (D) is subject to an order to provide a record that is responsive to the record
 2520 request and has not yet fully complied with the order.

2521 (b) It is unlawful for an individual to destroy or delete a record that the individual
 2522 knows, or has reason to know, may be responsive to a pending records request, with
 2523 the intent of avoiding disclosure of the record or information in the record.

2524 (c) A violation of Subsection (5)(b) is an infraction.

2525 Section 19. Section **77-27-5** is amended to read:

2526 **77-27-5 . Board of Pardons and Parole authority.**

2527 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for
 2528 treason or impeachment, the board shall determine by majority decision when and
 2529 under what conditions an offender's conviction may be pardoned or commuted.

2530 (b) The board shall determine by majority decision when and under what conditions an
 2531 offender committed to serve a sentence at a penal or correctional facility, which is
 2532 under the jurisdiction of the department, may:

2533 (i) be released upon parole;

2534 (ii) have a fine or forfeiture remitted;

2535 (iii) have the offender's criminal accounts receivable remitted in accordance with
 2536 Section 77-32b-105 or 77-32b-106;

2537 (iv) have the offender's payment schedule modified in accordance with Section
 2538 77-32b-103; or

2539 (v) have the offender's sentence terminated.

2540 (c) The board shall prioritize public safety when making a determination under
 2541 Subsection (1)(a) or (1)(b).

2542 (d)(i) The board may sit together or in panels to conduct hearings.

2543 (ii) The chair shall appoint members to the panels in any combination and in
 2544 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
 2545 Utah Administrative Rulemaking Act.

2546 (iii) The chair may participate on any panel and when doing so is chair of the panel.

- 2547 (iv) The chair of the board may designate the chair for any other panel.
- 2548 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
2549 an open session, the board may not:
- 2550 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
2551 receivable;
- 2552 (B) release the offender on parole; or
- 2553 (C) commute, pardon, or terminate an offender's sentence.
- 2554 (ii) An action taken under this Subsection (1) other than by a majority of the board
2555 shall be affirmed by a majority of the board.
- 2556 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 2557 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
2558 shall be given to the offender.
- 2559 (b) The county or district attorney's office responsible for prosecution of the case, the
2560 sentencing court, and law enforcement officials responsible for the defendant's arrest
2561 and conviction shall be notified of any board hearings through the board's website.
- 2562 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
2563 notified of original hearings and any hearing after that if notification is requested and
2564 current contact information has been provided to the board.
- 2565 (d)(i) Notice to the victim or the victim's representative shall include information
2566 provided in Section 77-27-9.5, and any related rules made by the board under that
2567 section.
- 2568 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
2569 reasonable for the lay person to understand.
- 2570 (3)(a) A decision by the board is final and not subject for judicial review if the decision
2571 is regarding:
- 2572 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 2573 (ii) restitution, the modification of an offender's payment schedule for restitution, or
2574 an order for costs; or
- 2575 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 2576 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
2577 4, Open and Public Meetings Act, when the board is engaged in the board's
2578 deliberative process.
- 2579 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xii)~~] 63G-2-103(27)(b)(xii), records of the
2580 deliberative process are exempt from Title 63G, Chapter 2, Government Records

- 2581 Access and Management Act.
- 2582 (d) Unless it will interfere with a constitutional right, deliberative processes are not
2583 subject to disclosure, including discovery.
- 2584 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 2585 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's
2586 power to grant respite or reprieves in all cases of convictions for offenses against the
2587 state, except treason or conviction on impeachment.
- 2588 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
2589 next session of the board.
- 2590 (c) At the next session of the board, the board:
- 2591 (i) shall continue or terminate the respite or reprieve; or
2592 (ii) may commute the punishment or pardon the offense as provided.
- 2593 (d) In the case of conviction for treason, the governor may suspend execution of the
2594 sentence until the case is reported to the Legislature at the Legislature's next session.
- 2595 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
2596 execution.
- 2597 (5)(a) In determining when, where, and under what conditions an offender serving a
2598 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
2599 offender's criminal accounts receivable remitted, or have the offender's sentence
2600 commuted or terminated, the board shall:
- 2601 (i) consider whether the offender has made restitution ordered by the court under
2602 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
2603 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
2604 commutation or termination of the offender's sentence;
- 2605 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
2606 making determinations under this Subsection (5);
- 2607 (iii) consider information provided by the department regarding an offender's
2608 individual case action plan; and
- 2609 (iv) review an offender's status within 60 days after the day on which the board
2610 receives notice from the department that the offender has completed all of the
2611 offender's case action plan components that relate to activities that can be
2612 accomplished while the offender is imprisoned.
- 2613 (b) The board shall determine whether to remit an offender's criminal accounts
2614 receivable under this Subsection (5) in accordance with Section 77-32b-105 or

2615 77-32b-106.

- 2616 (6) In determining whether parole may be terminated, the board shall consider:
- 2617 (a) the offense committed by the parolee; and
- 2618 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 2619 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
- 2620 parole in accordance with the adult sentencing and supervision length guidelines, as
- 2621 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the
- 2622 requirements of the law.
- 2623 (8) The board may not rely solely on an algorithm or a risk assessment tool score in
- 2624 determining whether parole should be granted or terminated for an offender.
- 2625 (9) The board may intervene as a limited-purpose party in a judicial or administrative
- 2626 proceeding, including a criminal action, to seek:
- 2627 (a) correction of an order that has or will impact the board's jurisdiction; or
- 2628 (b) clarification regarding an order that may impact the board's jurisdiction.
- 2629 (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days
- 2630 after the day on which a court enters the order that impacts the board's jurisdiction.

2631 Section 20. **Effective Date.**

2632 This bill takes effect on May 6, 2026.