

Effective 5/10/2016

63G-4-107 Petition to remove agency action from public access.

- (1) An individual may petition the agency that maintains, on a state-controlled website available to the public, a record of administrative disciplinary action, to remove the record of administrative disciplinary action from public access on the state-controlled website, if:
 - (a)
 - (i) five years have passed since:
 - (A) the date the final order was issued; or
 - (B) if no final order was issued, the date the administrative disciplinary action was commenced; or
 - (ii) the individual has obtained a criminal expungement order under Title 77, Chapter 40, Utah Expungement Act, for the individual's criminal records related to the same incident or conviction upon which the administrative disciplinary action was based;
 - (b) the individual has successfully completed all action required by the agency relating to the administrative disciplinary action within the time frame set forth in the final order, or if no time frame is specified in the final order, within the time frame set forth in Title 63G, Chapter 4, Administrative Procedures Act;
 - (c) from the time that the original administrative disciplinary action was filed, the individual has not violated the same statutory provisions or administrative rules related to those statutory provisions that resulted in the original administrative disciplinary action; and
 - (d) the individual pays an application fee determined by the agency in accordance with Section 63J-1-504.
- (2) The individual petitioning the agency under Subsection (1) shall provide the agency with a written request containing the following information:
 - (a) the petitioner's full name, address, telephone number, and date of birth;
 - (b) the information the petitioner seeks to remove from public access; and
 - (c) an affidavit certifying that the petitioner is in compliance with the provisions of Subsection (1).
- (3) Within 30 days of receiving the documents and information described in Subsection (2):
 - (a) the agency shall review the petition and all documents submitted with the petition to determine whether the petitioner has met the requirements of Subsections (1) and (2); and
 - (b) if the agency determines that the petitioner has met the requirements of Subsections (1) and (2), the agency shall immediately remove the record of administrative disciplinary action from public access on the state-controlled website.
- (4) Notwithstanding the provisions of Subsection (3), an agency is not required to remove a recording, written minutes, or other electronic information from the Utah Public Notice Website, created under Section 63F-1-701, if the recording, written minutes, or other electronic information is required to be available to the public on the Utah Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by Chapter 312, 2016 General Session