

**Senator Curtis S. Bramble** proposes the following substitute bill:

**GOVERNMENT RECORDS ACCESS AND MANAGEMENT**

**ACT AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Government Records Access and Management Act.

**Highlighted Provisions:**

This bill:

- ▶ provides that a governmental entity is not required to respond to a record request from an individual who is confined in a correctional facility following conviction, with an exception;
- ▶ modifies the time a chief administrative officer has to make a decision on an appeal;
- ▶ prohibits a court from remanding to the State Records Committee a petition for review of a State Records Committee order; and
- ▶ modifies qualifications of members of a political subdivision appeals board.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**1st Sub. S.B. 242**



- 26 [63G-2-201](#), as last amended by Laws of Utah 2016, Chapter 410
- 27 [63G-2-204](#), as last amended by Laws of Utah 2011, Chapter 340
- 28 [63G-2-401](#), as last amended by Laws of Utah 2015, Chapter 335
- 29 [63G-2-404](#), as last amended by Laws of Utah 2015, Chapter 335
- 30 [63G-2-701](#), as last amended by Laws of Utah 2015, Chapter 335

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

32 Section 1. Section **63G-2-201** is amended to read:

33 **63G-2-201. Right to inspect records and receive copies of records.**

34 (1) Every person has the right to inspect a public record free of charge, and the right to  
35 take a copy of a public record during normal working hours, subject to Sections [63G-2-203](#) and  
36 [63G-2-204](#).

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

38 (3) The following records are not public:

39 (a) a record that is private, controlled, or protected under Sections [63G-2-302](#),  
40 [63G-2-303](#), [63G-2-304](#), and [63G-2-305](#); and

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

45 (4) Only a record specified in Section [63G-2-302](#), [63G-2-303](#), [63G-2-304](#), or  
46 [63G-2-305](#) may be classified private, controlled, or protected.

47 (5) (a) A governmental entity may not disclose a record that is private, controlled, or  
48 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c), Section  
49 [63G-2-202](#), [63G-2-206](#), or [63G-2-303](#).

50 (b) A governmental entity may disclose a record that is private under Subsection  
51 [63G-2-302](#)(2) or protected under Section [63G-2-305](#) to persons other than those specified in  
52 Section [63G-2-202](#) or [63G-2-206](#) if the head of a governmental entity, or a designee,  
53 determines that:

- 54 (i) there is no interest in restricting access to the record; or
- 55 (ii) the interests favoring access are greater than or equal to the interest favoring
- 56

57 restriction of access.

58 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may  
59 disclose a record that is protected under Subsection 63G-2-305(51) if:

60 (i) the head of the governmental entity, or a designee, determines that the disclosure:

61 (A) is mutually beneficial to:

62 (I) the subject of the record;

63 (II) the governmental entity; and

64 (III) the public; and

65 (B) serves a public purpose related to:

66 (I) public safety; or

67 (II) consumer protection; and

68 (ii) the person who receives the record from the governmental entity agrees not to use  
69 or allow the use of the record for advertising or solicitation purposes.

70 (6) (a) The disclosure of a record to which access is governed or limited pursuant to  
71 court rule, another state statute, federal statute, or federal regulation, including a record for  
72 which access is governed or limited as a condition of participation in a state or federal program  
73 or for receiving state or federal funds, is governed by the specific provisions of that statute,  
74 rule, or regulation.

75 (b) This chapter applies to records described in Subsection (6)(a) insofar as this chapter  
76 is not inconsistent with the statute, rule, or regulation.

77 (7) A governmental entity shall provide a person with a certified copy of a record if:

78 (a) the person requesting the record has a right to inspect it;

79 (b) the person identifies the record with reasonable specificity; and

80 (c) the person pays the lawful fees.

81 (8) (a) In response to a request, a governmental entity is not required to:

82 (i) create a record;

83 (ii) compile, format, manipulate, package, summarize, or tailor information;

84 (iii) provide a record in a particular format, medium, or program not currently  
85 maintained by the governmental entity;

86 (iv) fulfill a person's records request if the request unreasonably duplicates prior  
87 records requests from that person; or

88 (v) fill a person's records request if:

89 (A) the record requested is accessible in the identical physical form and content in a  
90 public publication or product produced by the governmental entity receiving the request;

91 (B) the governmental entity provides the person requesting the record with the public  
92 publication or product; and

93 (C) the governmental entity specifies where the record can be found in the public  
94 publication or product.

95 (b) Upon request, a governmental entity may provide a record in a particular form  
96 under Subsection (8)(a)(ii) or (iii) if:

97 (i) the governmental entity determines it is able to do so without unreasonably  
98 interfering with the governmental entity's duties and responsibilities; and

99 (ii) the requester agrees to pay the governmental entity for providing the record in the  
100 requested form in accordance with Section 63G-2-203.

101 (9) (a) Notwithstanding any other provision of this chapter, and subject to Subsection  
102 (9)(b), a governmental entity is not required to respond to, or provide a record in response to, a  
103 record request if the request is submitted by or in behalf of an individual who is confined in a  
104 jail or other correctional facility following the individual's conviction.

105 (b) Subsection (9)(a) does not apply to:

106 (i) the first five record requests submitted to the governmental entity by or in behalf of  
107 an individual described in Subsection (9)(a) during any calendar year requesting only a record  
108 that contains a specific reference to the individual; or

109 (ii) a record request that is submitted by an attorney of an individual described in  
110 Subsection (9)(a).

111 [~~9~~] (10) (a) A governmental entity may allow a person requesting more than 50 pages  
112 of records to copy the records if:

113 (i) the records are contained in files that do not contain records that are exempt from  
114 disclosure, or the records may be segregated to remove private, protected, or controlled  
115 information from disclosure; and

116 (ii) the governmental entity provides reasonable safeguards to protect the public from  
117 the potential for loss of a public record.

118 (b) [~~When~~] If the requirements of Subsection [~~9~~] (10)(a) are met, the governmental

119 entity may:

120 (i) provide the requester with the facilities for copying the requested records and  
121 require that the requester make the copies; or

122 (ii) allow the requester to provide the requester's own copying facilities and personnel  
123 to make the copies at the governmental entity's offices and waive the fees for copying the  
124 records.

125 ~~[(10)]~~ (11) (a) A governmental entity that owns an intellectual property right and that  
126 offers the intellectual property right for sale or license may control by ordinance or policy the  
127 duplication and distribution of the material based on terms the governmental entity considers to  
128 be in the public interest.

129 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections  
130 granted to the governmental entity under federal copyright or patent law as a result of its  
131 ownership of the intellectual property right.

132 ~~[(11)]~~ (12) A governmental entity may not use the physical form, electronic or  
133 otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to  
134 inspect and receive a copy of a record under this chapter.

135 ~~[(12)]~~ (13) Subject to the requirements of Subsection (8), a governmental entity shall  
136 provide access to an electronic copy of a record in lieu of providing access to its paper  
137 equivalent if:

138 (a) the person making the request requests or states a preference for an electronic copy;

139 (b) the governmental entity currently maintains the record in an electronic format that  
140 is reproducible and may be provided without reformatting or conversion; and

141 (c) the electronic copy of the record:

142 (i) does not disclose other records that are exempt from disclosure; or

143 (ii) may be segregated to protect private, protected, or controlled information from  
144 disclosure without the undue expenditure of public resources or funds.

145 ~~[(13)]~~ (14) In determining whether a record is properly classified as private under  
146 Subsection [63G-2-302\(2\)\(d\)](#), the governmental entity, State Records Committee, local appeals  
147 board, or court shall consider and weigh:

148 (a) any personal privacy interests, including those in images, that would be affected by  
149 disclosure of the records in question; and

150 (b) any public interests served by disclosure.

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

152 **63G-2-204. Requests -- Time limit for response and extraordinary circumstances.**

153 (1) A person making a request for a record shall furnish the governmental entity with a  
154 written request containing:

155 (a) the person's name, mailing address, and daytime telephone number, if available;

156 and

157 (b) a description of the record requested that identifies the record with reasonable  
158 specificity.

159 (2) (a) Subject to Subsection (2)(b), a person making a request for a record shall submit  
160 the request to the governmental entity that prepares, owns, or retains the record.

161 (b) In response to a request for a record, a governmental entity may not provide a  
162 record that it has received under Section **63G-2-206** as a shared record if the record was shared  
163 for the purpose of auditing, if the governmental entity is authorized by state statute to conduct  
164 an audit.

165 (c) If a governmental entity is prohibited from providing a record under Subsection  
166 (2)(b), it shall:

167 (i) deny the records request; and

168 (ii) inform the person making the request that records requests must be submitted to the  
169 governmental entity that prepares, owns, or retains the record.

170 (d) A governmental entity may make rules in accordance with Title 63G, Chapter 3,  
171 Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall  
172 be directed.

173 (3) After receiving a request for a record, a governmental entity shall:

174 (a) review each request that seeks an expedited response and notify, within five  
175 business days after receiving the request, each requester that has not demonstrated that their  
176 record request benefits the public rather than the person that their response will not be  
177 expedited; and

178 (b) as soon as reasonably possible, but no later than 10 business days after receiving a  
179 written request, or five business days after receiving a written request if the requester  
180 demonstrates that expedited response to the record request benefits the public rather than the

181 person:

182 (i) approve the request and provide a copy of the record;

183 (ii) deny the request in accordance with the procedures and requirements of Section  
184 63G-2-205;

185 (iii) notify the requester that it does not maintain the record requested and provide, if  
186 known, the name and address of the governmental entity that does maintain the record; or

187 (iv) notify the requester that because of one of the extraordinary circumstances listed in  
188 Subsection (5), it cannot immediately approve or deny the request, and include with the notice:

189 (A) a description of the circumstances that constitute the extraordinary circumstances;  
190 and

191 (B) the date when the records will be available, consistent with the requirements of  
192 Subsection (6).

193 (4) Any person who requests a record to obtain information for a story or report for  
194 publication or broadcast to the general public is presumed to be acting to benefit the public  
195 rather than a person.

196 (5) The following circumstances constitute "extraordinary circumstances" that allow a  
197 governmental entity to delay approval or denial by an additional period of time as specified in  
198 Subsection (6) if the governmental entity determines that due to the extraordinary  
199 circumstances it cannot respond within the time limits provided in Subsection (3):

200 (a) another governmental entity is using the record, in which case the originating  
201 governmental entity shall promptly request that the governmental entity currently in possession  
202 return the record;

203 (b) another governmental entity is using the record as part of an audit, and returning the  
204 record before the completion of the audit would impair the conduct of the audit;

205 (c) (i) the request is for a voluminous quantity of records or a record series containing a  
206 substantial number of records; or

207 (ii) the requester seeks a substantial number of records or records series in requests  
208 filed within five working days of each other;

209 (d) the governmental entity is currently processing a large number of records requests;

210 (e) the request requires the governmental entity to review a large number of records to  
211 locate the records requested;

212 (f) the decision to release a record involves legal issues that require the governmental  
213 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case  
214 law;

215 (g) segregating information that the requester is entitled to inspect from information  
216 that the requester is not entitled to inspect requires extensive editing; or

217 (h) segregating information that the requester is entitled to inspect from information  
218 that the requester is not entitled to inspect requires computer programming.

219 (6) If one of the extraordinary circumstances listed in Subsection (5) precludes  
220 approval or denial within the time specified in Subsection (3), the following time limits apply  
221 to the extraordinary circumstances:

222 (a) for claims under Subsection (5)(a), the governmental entity currently in possession  
223 of the record shall return the record to the originating entity within five business days of the  
224 request for the return unless returning the record would impair the holder's work;

225 (b) for claims under Subsection (5)(b), the originating governmental entity shall notify  
226 the requester when the record is available for inspection and copying;

227 (c) for claims under Subsections (5)(c), (d), and (e), the governmental entity shall:

228 (i) disclose the records that it has located which the requester is entitled to inspect;

229 (ii) provide the requester with an estimate of the amount of time it will take to finish  
230 the work required to respond to the request;

231 (iii) complete the work and disclose those records that the requester is entitled to  
232 inspect as soon as reasonably possible; and

233 (iv) for any person that does not establish a right to an expedited response as  
234 authorized by Subsection (3), a governmental entity may choose to:

235 (A) require the person to provide for copying of the records as provided in Subsection  
236 63G-2-201~~(9)~~(10); or

237 (B) treat a request for multiple records as separate record requests, and respond  
238 sequentially to each request;

239 (d) for claims under Subsection (5)(f), the governmental entity shall either approve or  
240 deny the request within five business days after the response time specified for the original  
241 request has expired;

242 (e) for claims under Subsection (5)(g), the governmental entity shall fulfill the request



243 within 15 business days from the date of the original request; or

244 (f) for claims under Subsection (5)(h), the governmental entity shall complete its  
245 programming and disclose the requested records as soon as reasonably possible.

246 (7) (a) If a request for access is submitted to an office of a governmental entity other  
247 than that specified by rule in accordance with Subsection (2), the office shall promptly forward  
248 the request to the appropriate office.

249 (b) If the request is forwarded promptly, the time limit for response begins when the  
250 record is received by the office specified by rule.

251 (8) If the governmental entity fails to provide the requested records or issue a denial  
252 within the specified time period, that failure is considered the equivalent of a determination  
253 denying access to the record.

254 Section 3. Section **63G-2-401** is amended to read:

255 **63G-2-401. Appeal to chief administrative officer -- Notice of the decision of the**  
256 **appeal.**

257 (1) (a) A requester or interested party may appeal an access denial to the chief  
258 administrative officer of the governmental entity by filing a notice of appeal with the chief  
259 administrative officer within 30 days after:

260 (i) the governmental entity sends a notice of denial under Section **63G-2-205**, if the  
261 governmental entity denies a record request under Subsection **63G-2-205(1)**; or

262 (ii) the record request is considered denied under Subsection **63G-2-204(8)**, if that  
263 subsection applies.

264 (b) If a governmental entity claims extraordinary circumstances and specifies the date  
265 when the records will be available under Subsection **63G-2-204(3)**, and, if the requester  
266 believes the extraordinary circumstances do not exist or that the date specified is unreasonable,  
267 the requester may appeal the governmental entity's claim of extraordinary circumstances or date  
268 for compliance to the chief administrative officer by filing a notice of appeal with the chief  
269 administrative officer within 30 days after notification of a claim of extraordinary  
270 circumstances by the governmental entity, despite the lack of a "determination" or its  
271 equivalent under Subsection **63G-2-204(8)**.

272 (2) A notice of appeal shall contain:

273 (a) the name, mailing address, and daytime telephone number of the requester or

274 interested party; and

275 (b) the relief sought.

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

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

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

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

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

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

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

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

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

297 (b) (i) If the chief administrative officer fails to make a decision on an appeal of an  
298 access denial within the time specified in Subsection (5)(a), the failure is the equivalent of a  
299 decision affirming the access denial.

300 (ii) If the chief administrative officer fails to make a decision on an appeal under  
301 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the equivalent of  
302 a decision affirming the claim of extraordinary circumstances or the reasonableness of the date  
303 specified when the records will be available.

304 (c) The provisions of this section notwithstanding, the parties participating in the

305 proceeding may, by agreement, extend the time periods specified in this section.

306 (6) Except as provided in Section 63G-2-406, the chief administrative officer may,  
307 upon consideration and weighing of the various interests and public policies pertinent to the  
308 classification and disclosure or nondisclosure, order the disclosure of information properly  
309 classified as private under Subsection 63G-2-302(2) or protected under Section 63G-2-305 if  
310 the interests favoring access are greater than or equal to the interests favoring restriction of  
311 access.

312 (7) (a) The governmental entity shall send written notice of the chief administrative  
313 officer's decision to all participants.

314 (b) If the chief administrative officer's decision is to affirm the access denial in whole  
315 or in part, the notice under Subsection (7)(a) shall include:

316 (i) a statement that the requester or interested party has the right to appeal the decision,  
317 as provided in Section 63G-2-402, to:

318 (A) the records committee or district court; or

319 (B) the local appeals board, if the governmental entity is a political subdivision and the  
320 governmental entity has established a local appeals board;

321 (ii) the time limits for filing an appeal; and

322 (iii) the name and business address of:

323 (A) the executive secretary of the records committee; and

324 (B) the individual designated as the contact individual for the appeals board, if the  
325 governmental entity is a political subdivision that has established an appeals board under  
326 Subsection 63G-2-701(5)(c).

327 (8) A person aggrieved by a governmental entity's classification or designation  
328 determination under this chapter, but who is not requesting access to the records, may appeal  
329 that determination using the procedures provided in this section. If a nonrequester is the only  
330 appellant, the procedures provided in this section shall apply, except that the decision on the  
331 appeal shall be made within 30 days after receiving the notice of appeal.

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

333 Section 4. Section 63G-2-404 is amended to read:

334 **63G-2-404. Judicial review.**

335 (1) (a) A petition for judicial review of an order or decision, as allowed under this part

336 or in Subsection 63G-2-701(6)(a)(ii), shall be filed no later than 30 days after the date of the  
337 order or decision.

338 (b) The records committee is a necessary party to a petition for judicial review of a  
339 records committee order.

340 (c) The executive secretary of the records committee shall be served with notice of a  
341 petition for judicial review of a records committee order, in accordance with the Utah Rules of  
342 Civil Procedure.

343 (2) A petition for judicial review is a complaint governed by the Utah Rules of Civil  
344 Procedure and shall contain:

345 (a) the petitioner's name and mailing address;

346 (b) a copy of the records committee order from which the appeal is taken, if the  
347 petitioner is seeking judicial review of an order of the records committee;

348 (c) the name and mailing address of the governmental entity that issued the initial  
349 determination with a copy of that determination;

350 (d) a request for relief specifying the type and extent of relief requested; and

351 (e) a statement of the reasons why the petitioner is entitled to relief.

352 (3) If the appeal is based on the denial of access to a protected record based on a claim  
353 of business confidentiality, the court shall allow the claimant of business confidentiality to  
354 provide to the court the reasons for the claim of business confidentiality.

355 (4) All additional pleadings and proceedings in the district court are governed by the  
356 Utah Rules of Civil Procedure.

357 (5) The district court may review the disputed records. The review shall be in camera.

358 (6) (a) The court shall:

359 ~~[(a)]~~ (i) make ~~[its]~~ the court's decision de novo, but, for a petition seeking judicial  
360 review of a records committee order, allow introduction of evidence presented to the records  
361 committee;

362 ~~[(b)]~~ (ii) determine all questions of fact and law without a jury; and

363 ~~[(c)]~~ (iii) decide the issue at the earliest practical opportunity.

364 (b) In a court's review and decision of a petition seeking judicial review of a records  
365 committee order, the court may not remand the petition to the records committee for any  
366 additional proceedings.

367 (7) (a) Except as provided in Section 63G-2-406, the court may, upon consideration  
368 and weighing of the various interests and public policies pertinent to the classification and  
369 disclosure or nondisclosure, order the disclosure of information properly classified as private,  
370 controlled, or protected if the interest favoring access is greater than or equal to the interest  
371 favoring restriction of access.

372 (b) The court shall consider and, where appropriate, limit the requester's use and  
373 further disclosure of the record in order to protect privacy interests in the case of private or  
374 controlled records, business confidentiality interests in the case of records protected under  
375 Subsections 63G-2-305(1) and (2), and privacy interests or the public interest in the case of  
376 other protected records.

377 Section 5. Section 63G-2-701 is amended to read:

378 **63G-2-701. Political subdivisions may adopt ordinances in compliance with**  
379 **chapter -- Appeal process.**

380 (1) As used in this section:

381 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.

382 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.

383 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

384 (2) (a) Each political subdivision may adopt an ordinance or a policy applicable  
385 throughout its jurisdiction relating to information practices including classification,  
386 designation, access, denials, segregation, appeals, management, retention, and amendment of  
387 records.

388 (b) The ordinance or policy shall comply with the criteria set forth in this section.

389 (c) If any political subdivision does not adopt and maintain an ordinance or policy, then  
390 that political subdivision is subject to this chapter.

391 (d) Notwithstanding the adoption of an ordinance or policy, each political subdivision  
392 is subject to Part 1, General Provisions, Part 3, Classification, and Sections 63A-12-105,  
393 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and 63G-2-602.

394 (e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed  
395 with the state archives no later than 30 days after its effective date.

396 (f) The political subdivision shall also report to the state archives all retention  
397 schedules, and all designations and classifications applied to record series maintained by the

398 political subdivision.

399 (g) The report required by Subsection (2)(f) is notification to state archives of the  
400 political subdivision's retention schedules, designations, and classifications. The report is not  
401 subject to approval by state archives. If state archives determines that a different retention  
402 schedule is needed for state purposes, state archives shall notify the political subdivision of the  
403 state's retention schedule for the records and shall maintain the records if requested to do so  
404 under Subsection [63A-12-105\(2\)](#).

405 (3) Each ordinance or policy relating to information practices shall:

406 (a) provide standards for the classification and designation of the records of the  
407 political subdivision as public, private, controlled, or protected in accordance with Part 3,  
408 Classification;

409 (b) require the classification of the records of the political subdivision in accordance  
410 with those standards;

411 (c) provide guidelines for establishment of fees in accordance with Section [63G-2-203](#);  
412 and

413 (d) provide standards for the management and retention of the records of the political  
414 subdivision comparable to Section [63A-12-103](#).

415 (4) (a) Each ordinance or policy shall establish access criteria, procedures, and  
416 response times for requests to inspect, obtain, or amend records of the political subdivision,  
417 and time limits for appeals consistent with this chapter.

418 (b) In establishing response times for access requests and time limits for appeals, the  
419 political subdivision may establish reasonable time frames different than those set out in  
420 Section [63G-2-204](#) and Part 4, Appeals, if it determines that the resources of the political  
421 subdivision are insufficient to meet the requirements of those sections.

422 (5) (a) A political subdivision shall establish an appeals process for persons aggrieved  
423 by classification, designation, or access decisions.

424 (b) A political subdivision's appeals process shall include a process for a requester or  
425 interested party to appeal an access denial to a person designated by the political subdivision as  
426 the chief administrative officer for purposes of an appeal under Section [63G-2-401](#).

427 (c) (i) A political subdivision may establish an appeals board to decide an appeal of a  
428 decision of the chief administrative officer affirming an access denial.

429 (ii) An appeals board established by a political subdivision shall be composed of three  
430 members:

431 (A) one of whom shall be an employee of the political subdivision; and

432 (B) two of whom shall be members of the public who are not employed by or officials  
433 of a governmental entity, at least one of whom shall have professional experience with  
434 requesting or managing records.

435 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of a  
436 chief administrative officer shall be made to the appeals board.

437 (iv) If a political subdivision does not establish an appeals board, the political  
438 subdivision's appeals process shall provide for an appeal of a chief administrative officer's  
439 decision to the records committee, as provided in Section 63G-2-403.

440 (6) (a) A political subdivision or requester may appeal an appeals board decision:

441 (i) to the records committee, as provided in Section 63G-2-403; or

442 (ii) by filing a petition for judicial review with the district court.

443 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the  
444 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and 63G-2-404.

445 (c) A person who appeals an appeals board decision to the records committee does not  
446 lose or waive the right to seek judicial review of the decision of the records committee.

447 (7) Any political subdivision that adopts an ordinance or policy under Subsection (1)  
448 shall forward to state archives a copy and summary description of the ordinance or policy.