

HB0526S01 compared with HB0526

~~{Omitted text}~~ shows text that was in HB0526 but was omitted in HB0526S01

inserted text shows text that was not in HB0526 but was inserted into HB0526S01

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1 **Government Records Access and Management Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:

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3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides that the government records ombudsman shall provide resources and services related to a fee dispute in relation to a records request;

10 ▶ modifies provisions regulating costs chargeable by a governmental entity for employee time in processing a records request under the Government Records Access and Management Act;

13 ▶ adds provisions to regulate the disclosure of records and fee information regarding work-related contact information for an employee of a local education agency;

15 ▶ requires a governmental entity to provide an itemized estimate of costs and fees expected to be incurred before the governmental entity begins to process a request or requires payment or deposit when fees are expected to exceed a certain amount;

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modifies provisions of the Government Records Access and Management Act to make an appeal to a chief administrative officer an optional process for appealing an estimate of fees that exceeds a certain amount;

21 ▶ provides that a State Records Committee review of an agency access denial, fee waiver denial, or fee estimate dispute is de novo;

23 ▶ requires a political subdivision to permit an optional appeal of an estimate of fees that exceeds a certain amount directly to the State Records Committee;

25 ▶ modifies existing procedures; and

26 ▶ makes conforming changes and style corrections.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

32 **AMENDS:**

33 **63A-12-111** , as last amended by Laws of Utah 2024, Chapter 407 , as last amended by Laws of Utah 2024, Chapter 407

34 **63G-2-201** , as last amended by Laws of Utah 2023, Chapters 173, 516 , as last amended by Laws of Utah 2023, Chapters 173, 516

35 **63G-2-202** , as last amended by Laws of Utah 2024, Chapter 288 , as last amended by Laws of Utah 2024, Chapter 288

36 **63G-2-203** , as last amended by Laws of Utah 2022, Chapter 128 , as last amended by Laws of Utah 2022, Chapter 128

37 **63G-2-401** , as last amended by Laws of Utah 2024, Chapter 407 , as last amended by Laws of Utah 2024, Chapter 407

38 **63G-2-402** , as last amended by Laws of Utah 2024, Chapter 407 , as last amended by Laws of Utah 2024, Chapter 407

39 **63G-2-403** , as last amended by Laws of Utah 2024, Chapter 407 , as last amended by Laws of Utah 2024, Chapter 407

40 **63G-2-404** , as last amended by Laws of Utah 2024, Chapter 407 , as last amended by Laws of Utah 2024, Chapter 407

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63G-2-701 , as last amended by Laws of Utah 2019, Chapter 254 , as last amended by Laws of Utah 2019, Chapter 254

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- 43 *Be it enacted by the Legislature of the state of Utah:*
- 44 Section 1. Section **63A-12-111** is amended to read:
- 45 **63A-12-111. Government records ombudsman.**
- 46 (1)
- (a) The director of the division shall appoint a government records ombudsman.
- 47 (b) The government records ombudsman may not be a member of the State Records Committee created in Section 63G-2-501.
- 49 (2)
- (a) The government records ombudsman shall:
- 50 (i) be familiar with the provisions of Title 63G, Chapter 2, Government Records Access and Management Act;
- 52 (ii) serve as a resource for a person who is making or responding to a records request, a fee dispute in relation to a records request, or filing an appeal relating to a records request;
- 55 (iii) upon a request from a requester or responder, and with the consent of both the requester and responder, mediate a dispute between a requester and responder, including a dispute between a requester and a governmental entity regarding the governmental entity's access denial, as defined in Section 63G-2-400.5; and
- 59 (iv) on an annual basis, electronically transmit a written report to the Government Operations Interim Committee on the work performed by the government records ombudsman during the previous year.
- 62 (b)
- (i) Before the conclusion of a mediation under Subsection (2)(a)(iii), a requester or responder may withdraw consent for the mediation.
- 64 (ii) If a requester or responder withdraws consent under Subsection (2)(b)(i), the government records ombudsman shall certify, as provided in Subsection (4)(a)(ii), that the mediation was not concluded because of a lack of the required consent.

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- (3) The government records ombudsman may not testify, or be compelled to testify, before the State Records Committee created in Section 63G-2-501, another administrative body, or a court regarding a matter that the government records ombudsman provided services in relation to under this section.
- 71 (4) Upon the conclusion of a mediation under Subsection (2)(a)(iii) or upon the government records ombudsman's determination that the required consent for the mediation is lacking, the government records ombudsman shall:
- 74 (a) certify in writing that the mediation:
- 75 (i) is concluded; or
- 76 (ii) did not take place or was not concluded because of a lack of the required consent; and
- 78 (b) provide a copy of the written certification to the requester and the responder.
- 79 Section 2. Section **63G-2-201** is amended to read:
- 80 **63G-2-201. Provisions relating to records -- Public records -- Private, controlled, protected, and other restricted records -- Disclosure and nondisclosure of records -- Certified copy of record -- Limits on obligation to respond to record request.**
- 83 (1)
- (a) Except as provided in Subsection (1)(b), a person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 86 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 87 (i) a copy of which the governmental entity has already provided to the person;
- 88 (ii) that is the subject of a records request that the governmental entity is not required to fill under Subsection (7)(a)(v); or
- 90 (iii)
- (A) that is accessible only by a computer or other electronic device owned or controlled by the governmental entity;
- 92 (B) that is part of an electronic file that also contains a record that is private, controlled, or protected; and
- 94 (C) that the governmental entity cannot readily segregate from the part of the electronic file that contains a private, controlled, or protected record.
- 96 (2) A record is public unless otherwise expressly provided by statute.
- 97 (3) The following records are not public:

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- 98 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303, 63G-2-304,
and 63G-2-305; and
- 100 (b) a record to which access is restricted pursuant to court rule, another state statute, federal statute,
or federal regulation, including records for which access is governed or restricted as a condition of
participation in a state or federal program or for receiving state or federal funds.
- 104 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305 may be
classified private, controlled, or protected.
- 106 (5)
- (a) A governmental entity may not disclose a record that is private, controlled, or protected to any
person except as provided in Subsection (5)(b), Subsection (5)(c), Section 63G-2-202, 63G-2-206,
or 63G-2-303.
- 109 (b) A governmental entity may disclose a record that is private under Subsection 63G-2-302(2) or
protected under Section 63G-2-305 to persons other than those specified in Section 63G-2-202 or
63G-2-206 if the head of a governmental entity, or a designee, determines that:
- 113 (i) there is no interest in restricting access to the record; or
- 114 (ii) the interests favoring access are greater than or equal to the interest favoring restriction of access.
- 116 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may disclose a record
that is protected under Subsection 63G-2-305(51) if:
- 118 (i) the head of the governmental entity, or a designee, determines that the disclosure:
- 119 (A) is mutually beneficial to:
- 120 (I) the subject of the record;
- 121 (II) the governmental entity; and
- 122 (III) the public; and
- 123 (B) serves a public purpose related to:
- 124 (I) public safety; or
- 125 (II) consumer protection; and
- 126 (ii) the person who receives the record from the governmental entity agrees not to use or allow the use
of the record for advertising or solicitation purposes.
- 128 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 129 (a) the person requesting the record has a right to inspect it;
- 130 (b) the person identifies the record with reasonable specificity; and

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- 131 (c) the person pays the lawful fees.
132 (7)
- (a) In response to a request, a governmental entity is not required to:
- 133 (i) create a record;
134 (ii) compile, format, manipulate, package, summarize, or tailor information;
135 (iii) provide a record in a particular format, medium, or program not currently maintained by the
governmental entity;
137 (iv) fulfill a person's records request if the request unreasonably duplicates prior records requests
from that person;
139 (v) fill a person's records request if:
- 140 (A) the record requested is:
141 (I) publicly accessible online; or
142 (II) included in a public publication or product produced by the governmental entity receiving the
request; and
144 (B) the governmental entity:
145 (I) specifies to the person requesting the record where the record is accessible online; or
147 (II) provides the person requesting the record with the public publication or product and specifies where
the record can be found in the public publication or product; or
150 (vi) fulfill a person's records request if:
151 (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;
153 (B) the State Records Committee order determining the person to be a vexatious requester provides that
the governmental entity is not required to fulfill a request from the person for a period of time; and
156 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 157 (b) A governmental entity shall conduct a reasonable search for a requested record.
158 (8)
- (a) Although not required to do so, a governmental entity may, upon request from the person who
submitted the records request, compile, format, manipulate, package, summarize, or tailor
information or provide a record in a format, medium, or program not currently maintained by the
governmental entity.

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- (b) In determining whether to fulfill a request described in Subsection (8)(a), a governmental entity may consider whether the governmental entity is able to fulfill the request without unreasonably interfering with the governmental entity's duties and responsibilities.
- 166 (c) A governmental entity may require a person who makes a request under Subsection (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for providing the information or record as requested.
- 169 (9)
- (a) Notwithstanding any other provision of this chapter, and subject to Subsection (9)(b), a governmental entity is not required to respond to, or provide a record in response to, a record request if the request is submitted by or in behalf of an individual who is confined in a jail or other correctional facility following the individual's conviction.
- 174 (b) Subsection (9)(a) does not apply to:
- 175 (i) the first five record requests submitted to the governmental entity by or in behalf of an individual described in Subsection (9)(a) during any calendar year requesting only a record that contains a specific reference to the individual; or
- 178 (ii) a record request that is submitted by an attorney of an individual described in Subsection (9)(a).
- 180 (10)
- (a) A governmental entity may allow a person requesting more than 50 pages of records to copy the records if:
- 182 (i) the records are contained in files that do not contain records that are exempt from disclosure, or the records may be segregated to remove private, protected, or controlled information from disclosure; and
- 185 (ii) the governmental entity provides reasonable safeguards to protect the public from the potential for loss of a public record.
- 187 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 188 (i) provide the requester with the facilities for copying the requested records and require that the requester make the copies; or
- 190 (ii) allow the requester to provide the requester's own copying facilities and personnel to make the copies at the governmental entity's offices and waive the fees for copying the records.
- 193 (11)

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- (a) A governmental entity that owns an intellectual property right and that offers the intellectual property right for sale or license may control by ordinance or policy the duplication and distribution of the material based on terms the governmental entity considers to be in the public interest.
- 197 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections granted to the governmental entity under federal copyright or patent law as a result of its ownership of the intellectual property right.
- 200 (12) A governmental entity may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and receive a copy of a record under this chapter.
- 203 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide access to an electronic copy of a record in lieu of providing access to its paper equivalent if:
- 206 (a) the person making the request requests or states a preference for an electronic copy;
- 207 (b) the governmental entity currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and
- 209 (c) the electronic copy of the record:
- 210 (i) does not disclose other records that are exempt from disclosure; or
- 211 (ii) may be segregated to protect private, protected, or controlled information from disclosure without the undue expenditure of public resources or funds.
- 213 (14) In determining whether a record is properly classified as private under Subsection 63G-2-302(2) (d), the governmental entity, State Records Committee, local appeals board, or court shall consider and weigh:
- 216 (a) any personal privacy interests, including those in images, that would be affected by disclosure of the records in question; and
- 218 (b) any public interests served by disclosure.
- 219 (15) A request for the work-related contact information of an employee of a local education agency shall be provided only according to the requirements of Section 53G-10-207.
- 221 Section 3. Section **63G-2-202** is amended to read:
- 222 **63G-2-202. Access to private, controlled, and protected documents.**
- 223 (1) Except as provided in Subsection (11)(a), a governmental entity:
- 224 (a) shall, upon request, [-]disclose a private record to:
- 225 (i) the subject of the record;

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- 226 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the record;
228 (iii) the legal guardian of a legally incapacitated individual who is the subject of the record;
230 (iv) any other individual who:
231 (A) has a power of attorney from the subject of the record;
232 (B) submits a notarized release from the subject of the record or the individual's legal representative
dated no more than 90 days before the date the request is made; or
235 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a health care provider,
as defined in Section 26B-8-501, if releasing the record or information in the record is consistent
with normal professional practice and medical ethics; or
239 (v) any person to whom the record must be provided pursuant to:
240 (A) court order as provided in Subsection (7); or
241 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; and
243 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through (m), without
complying with Section 63G-2-206, to another governmental entity for a purpose related to:
246 (i) voter registration; or
247 (ii) the administration of an election.
248 (2)
(a) Upon request, a governmental entity shall disclose a controlled record to:
249 (i) a physician, physician assistant, psychologist, certified social worker, insurance provider or
producer, or a government public health agency upon submission of:
251 (A) a release from the subject of the record that is dated no more than 90 days prior to the date the
request is made; and
253 (B) a signed acknowledgment of the terms of disclosure of controlled information as provided by
Subsection (2)(b); and
255 (ii) any person to whom the record must be disclosed pursuant to:
256 (A) a court order as provided in Subsection (7); or
257 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.
259 (b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i)
may not disclose controlled information from that record to any person, including the subject of the
record.

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- (3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.
- 265 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall disclose a protected record to:
- 267 (a) the person that submitted the record;
- 268 (b) any other individual who:
- 269 (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
- 272 (ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;
- 276 (c) any person to whom the record must be provided pursuant to:
- 277 (i) a court order as provided in Subsection (7); or
- 278 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; or
- 280 (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).
- 282 (5) Except as provided in Subsection (1)(b), a [-]governmental entity may disclose a private, controlled, or protected record to another governmental entity, political subdivision, state, the United States, or a foreign government only as provided by Section 63G-2-206.
- 286 (6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain evidence of the requester's identity.
- 288 (7) A governmental entity shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction, provided that:
- 290 (a) the record deals with a matter in controversy over which the court has jurisdiction;
- 291 (b) the court has considered the merits of the request for access to the record;
- 292 (c) the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect:
- 294 (i) privacy interests in the case of private or controlled records;
- 295 (ii) business confidentiality interests in the case of records protected under Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
- 297 (iii) privacy interests or the public interest in the case of other protected records;

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- 298 (d) to the extent the record is properly classified private, controlled, or protected, the interests favoring
access, considering limitations thereon, are greater than or equal to the interests favoring restriction
of access; and
- 301 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63G-2-201(3)(b),
the court has authority independent of this chapter to order disclosure.
- 304 (8)
- (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or authorize disclosure
of private or controlled records for research purposes if the governmental entity:
- 307 (i) determines that the research purpose cannot reasonably be accomplished without use or
disclosure of the information to the researcher in individually identifiable form;
- 310 (ii) determines that:
- 311 (A) the proposed research is bona fide; and
- 312 (B) the value of the research is greater than or equal to the infringement upon personal privacy;
- 314 (iii)
- (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and
- 316 (B) requires the removal or destruction of the individual identifiers associated with the records as soon
as the purpose of the research project has been accomplished;
- 319 (iv) prohibits the researcher from:
- 320 (A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or
- 322 (B) using the record for purposes other than the research approved by the governmental entity; and
- 324 (v) secures from the researcher a written statement of the researcher's understanding of and
agreement to the conditions of this Subsection (8) and the researcher's understanding that
violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
under Section 63G-2-801.
- 328 (b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the
purpose of auditing or evaluating the research program and no subsequent use or disclosure of the
record in individually identifiable form will be made by the auditor or evaluator except as provided
by this section.
- 332 (c) A governmental entity may require indemnification as a condition of permitting research under this
Subsection (8).

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(d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1)(w).

337 (9)

(a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:

339 (i) private under Section 63G-2-302; or

340 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.

342 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the disclosure to persons other than those specified in this section of records that are:

344 (i) private under Section 63G-2-302;

345 (ii) controlled under Section 63G-2-304; or

346 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.

348 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected under Section 63G-2-305 to persons other than those specified in this section.

352 (10)

(a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed as provided in Subsection (1)(a)(v).

354 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as provided in Subsection (4)(c) or Section 26B-6-212.

356 (11)

(a) A private, protected, or controlled record described in Section 26B-1-506 shall be disclosed as required under:

358 (i) Subsections 26B-1-506(1)(b) and (2); and

359 (ii) Subsections 26B-1-507(1) and (6).

360 (b) A record disclosed under Subsection (11)(a) shall retain its character as private, protected, or controlled.

362 Section 4. Section **63G-2-203** is amended to read:

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363 **63G-2-203. Fees.**

364 (1)

(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.

366 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.

368 (2)

(a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:

371 (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;

374 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and

376 (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).

381 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

384 (3)

(a) Fees shall be established as [~~provided in this Subsection (3).~~] follows:

385 [~~(b)~~] (i) A governmental entity with fees established by the Legislature:

386 [~~(i)~~] (A) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and

388 [~~(ii)~~] (B) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.

390 [~~(e)~~] (ii) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.

392 [~~(d)~~] (iii) The judiciary shall establish fees by rules of the judicial council.

393 (iv) Any fee, or portion of a fee, that is charged for an employee's time incurred in the production of documents, with the exception of costs charged specifically for compiling a record in an

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alternative form as provided under Subsection (2)(a), shall be charged at an hourly rate that is no greater than the actual hourly pay of the employee performing the work.

- 397 (b) {Hf} Excluding a law enforcement agency as defined in Section 50-1-102, if fees are expected to
exceed \$50:
- 398 (i) a governmental entity shall provide an itemized estimate for the expected costs before beginning to
process a request; and
- 400 (ii) a governmental entity may not collect or require any fee or deposit before providing the itemized
estimate.
- 402 (c) {Hf} Excluding a law enforcement agency as defined in Section 50-1-102, if fees are expected
to exceed \$500, in addition to the requirements of Subsection (3)(b), the itemized estimate
shall include, for any costs expected to be charged for employee work time, a listing of the job
description of each employee expected to perform work in processing the request, the number of
hours expected to be charged on behalf of each employee's work, and the hourly rate charged for
each employee.
- 407 (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it
determines that:
- 409 (a) releasing the record primarily benefits the public rather than a person;
- 410 (b) the individual requesting the record is the subject of the record, or an individual specified in
Subsection 63G-2-202(1) or (2); or
- 412 (c) the requester's legal rights are directly implicated by the information in the record, and the requester
is impecunious.
- 414 (5)
- (a) As used in this Subsection (5), "media representative":
- 415 (i) means a person who requests a record to obtain information for a story or report for publication
or broadcast to the general public; and
- 417 (ii) does not include a person who requests a record to obtain information for a blog, podcast, social
media account, or other means of mass communication generally available to a member of the
public.
- 420 (b) A governmental entity may not charge a fee for:
- 421 (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection
(2)(a)(ii);

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- 423 (ii) inspecting a record; or
- 424 (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.
- 426 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from charging a fee for the first quarter hour of staff time spent in responding to a request under Section 63G-2-204 if the person who submits the request:
- 429 (i) is not a Utah media representative; and
- 430 (ii) previously submitted a separate request within the 10-day period immediately before the date of the request to which the governmental entity is responding.
- 432 (6)
- (a) A person who believes that there has been an unreasonable denial of a fee waiver under Subsection (4) may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 63G-2-205.
- 435 (b) The adjudicative body hearing the appeal:
- 436 (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of the fee waiver and any determination under Subsection (4); and
- 439 (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a public record is denied.
- 441 (7)
- (a) All fees received under this section by a governmental entity subject to Subsection [~~(3)(b)~~] (3)(a)(i) shall be retained by the governmental entity as a dedicated credit.
- 443 (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record or record series.
- 445 (8)
- (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:
- 447 (i) fees are expected to exceed \$50; or
- 448 (ii) the requester has not paid fees from previous requests.
- 449 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 450 (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.
- 452 (10)

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- (a) Notwithstanding Subsection [~~(3)(e)~~] (3)(a)(ii), fees for voter registration records shall be set as provided in this Subsection (10).
- 454 (b) The lieutenant governor shall:
- 455 (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and
- 457 (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.
- 459 (11) If fees are charged for providing a local education agency employee's work-related contact information, a governmental entity shall comply with the requirements of Section 53G-10-207.
- 465 Section 5. Section **63G-2-401** is amended to read:
- 466 **63G-2-401. Appeal to chief administrative officer -- Appeal of fee estimate directly to records committee -- Notice of the decision of the appeal.**
- 465 (1)
- (a) A requester or interested party may appeal an access denial~~[-or]~~ , the denial of a fee waiver under Subsection 63G-2-203(4), or an estimate of a fee amount under Subsection 63G-2-203(3) to the chief administrative officer of the governmental entity by filing a notice of appeal with the chief administrative officer within 30 days after:
- 470 (i) for an access denial:
- 471 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if the governmental entity denies a record request under Subsection 63G-2-205(1); or
- 474 (B) the record request is considered denied under Subsection 63G-2-204(9), if that subsection applies; or
- 476 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester that the fee waiver is denied.
- 478 (b) If a governmental entity claims extraordinary circumstances and specifies the date when the records will be available under Subsection 63G-2-204(4), and, if the requester believes the extraordinary circumstances do not exist or that the date specified is unreasonable, the requester may appeal the governmental entity's claim of extraordinary circumstances or date for compliance to the chief administrative officer by filing a notice of appeal with the chief administrative officer within 30 days after notification of a claim of extraordinary circumstances by the governmental entity, despite the lack of a "determination" or its equivalent under Subsection 63G-2-204(9).

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- 487 (c) As an alternative to the appeal permitted under Subsection (1)(a), a requester or interested party may appeal the governmental entity's estimate of a fee amount under Subsection 63G-2-203(3) directly to the records committee as provided under Section 63G-2-403 if the estimated fee amount exceeds \$500.
- 491 (2) A notice of appeal shall contain:
- 492 (a) the name, mailing address, and daytime telephone number of the requester or interested party; and
- 494 (b) the relief sought.
- 495 (3) The requester or interested party may file a short statement of facts, reasons, and legal authority in support of the appeal.
- 497 (4)
- (a) If the appeal involves a record that is the subject of a business confidentiality claim under Section 63G-2-309, the chief administrative officer shall:
- 499 (i) send notice of the appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this section must be given to more than 35 persons, it shall be given as soon as reasonably possible; and
- 503 (ii) send notice of the business confidentiality claim and the schedule for the chief administrative officer's determination to the requester or interested party within three business days after receiving notice of the appeal.
- 506 (b) The business confidentiality claimant shall have seven business days after notice is sent by the administrative officer to submit further support for the claim of business confidentiality.
- 509 (5)
- (a) The chief administrative officer shall make a decision on the appeal within:
- 510 (i)
- (A) 10 business days after the chief administrative officer's receipt of the notice of appeal; or
- 512 (B) five business days after the chief administrative officer's receipt of the notice of appeal, if the requester or interested party demonstrates that an expedited decision benefits the public rather than the requester or interested party; or
- 515 (ii) 12 business days after the governmental entity sends the notice of appeal to a person who submitted a claim of business confidentiality.
- 517 (b)

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- (i) If the chief administrative officer fails to make a decision on an appeal of an access denial within the time specified in Subsection (5)(a), the failure is the equivalent of a decision affirming the access denial.
- 520 (ii) If the chief administrative officer fails to make a decision on an appeal under Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the equivalent of a decision affirming the claim of extraordinary circumstances or the reasonableness of the date specified when the records will be available.
- 524 (c) The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.
- 526 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Subsection 63G-2-302(2) or protected under Section 63G-2-305 if the interests favoring access are greater than or equal to the interests favoring restriction of access.
- 532 (7)
- (a) The governmental entity shall send written notice of the chief administrative officer's decision to all participants.
- 534 (b) If the chief administrative officer's decision is to affirm the access denial in whole or in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall include:
- 537 (i) a statement that the requester has a right under Section 63A-12-111 to request the government records ombudsman to mediate the dispute between the requester and the governmental entity concerning the access denial or the fee waiver denial;
- 540 (ii) a statement that the requester or interested party has the right to appeal the decision, as provided in Section 63G-2-402, to:
- 542 (A) the State Records Committee or district court; or
- 543 (B) the local appeals board, if the governmental entity is a political subdivision and the governmental entity has established a local appeals board;
- 545 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including an explanation of a suspension of the time limits, as provided in Subsections 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks mediation under Section 63A-12-111; and
- 549 (iv) the name and business address of:

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- 550 (A) the executive secretary of the State Records Committee;
- 551 (B) the individual designated as the contact individual for the appeals board, if the governmental entity
is a political subdivision that has established an appeals board under Subsection 63G-2-701(5)(c);
and
- 554 (C) the government records ombudsman.
- 555 (8) A person aggrieved by a governmental entity's classification or designation determination under this
chapter, but who is not requesting access to the records, may appeal that determination using the
procedures provided in this section. If a nonrequester is the only appellant, the procedures provided
in this section shall apply, except that the decision on the appeal shall be made within 30 days after
receiving the notice of appeal.
- 561 (9) The duties of the chief administrative officer under this section may be delegated.
- 565 Section 6. Section **63G-2-402** is amended to read:
- 566 **63G-2-402. Appealing a decision of a chief administrative officer.**
- 564 (1) If the decision of the chief administrative officer of a governmental entity under Section 63G-2-401
is to affirm the denial of a record request~~[-or]~~ , to affirm the denial of a fee waiver, or to affirm the
estimate of a fee amount, the requester may:
- 567 (a)
- (i) appeal the decision to the State Records Committee, as provided in Section 63G-2-403; or
- 569 (ii) petition for judicial review of the decision in district court, as provided in Section 63G-2-404;
- 571 (b) seek mediation of the access denial~~[-or]~~ , fee waiver denial, or fee amount affirmation under
Subsection 63A-12-111(2)(c); or
- 573 (c) appeal the decision to the local appeals board if:
- 574 (i) the decision is of a chief administrative officer of a governmental entity that is a political
subdivision; and
- 576 (ii) the political subdivision has established a local appeals board.
- 577 (2) A requester who appeals a chief administrative officer's decision to the State Records Committee or
a local appeals board does not lose or waive the right to seek judicial review of the decision of the
State Records Committee or local appeals board.
- 580 (3) As provided in Section 63G-2-403, an interested party may appeal to the State Records Committee a
chief administrative officer's decision under Section 63G-2-401~~[-affirming an access denial]~~.
- 586 Section 7. Section **63G-2-403** is amended to read:

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- 587 **63G-2-403. Appeals to the State Records Committee.**
- 585 (1)
- (a) A records committee appellant appeals to the State Records Committee by filing a notice of appeal with the executive secretary of the State Records Committee no later than 30 days after the date of issuance of the decision being appealed.
- 588 (b) Notwithstanding Subsection (1)(a), a requester may file a notice of appeal with the executive secretary of the State Records Committee no later than 45 days after the day on which the record request is made if:
- 591 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and
- 592 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.
- 593 (c) The time for a requester to file a notice of appeal under Subsection (1)(a) or (b) is suspended for the period of time that:
- 595 (i) begins the date the requester submits a request under Section 63A-12-111 for the government records ombudsman to mediate the dispute between the requester and the governmental entity; and
- 598 (ii) ends the earlier of the following dates:
- 599 (A) the date that the government records ombudsman certifies in writing that the mediation is concluded; or
- 601 (B) the date that the government records ombudsman certifies in writing that the mediation did not occur or was not concluded because of a lack of the required consent.
- 604 (2) The notice of appeal shall:
- 605 (a) contain the name, mailing address, and daytime telephone number of the records committee appellant;
- 607 (b) be accompanied by a copy of the decision being appealed; and
- 608 (c) state the relief sought.
- 609 (3) The records committee appellant:
- 610 (a) shall, on the day on which the notice of appeal is filed with the State Records Committee, serve a copy of the notice of appeal on:
- 612 (i) the governmental entity whose access denial~~[-or]~~ , fee waiver denial, or fee amount estimate is the subject of the appeal, if the records committee appellant is a requester or interested party; or
- 615

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- (ii) the requester or interested party who is a party to the local appeals board proceeding that resulted in the decision that the political subdivision is appealing to the committee, if the records committee appellant is a political subdivision; and
- 618 (b) may file a short statement of facts, reasons, and legal authority in support of the appeal.
- 620 (4)
- (a) Except as provided in Subsections (4)(b) and (c), no later than seven business days after receiving a notice of appeal, the executive secretary of the State Records Committee shall:
- 623 (i) schedule a hearing for the State Records Committee to discuss the appeal at the next regularly scheduled committee meeting falling at least 16 days after the date the notice of appeal is filed but no longer than 64 calendar days after the date the notice of appeal was filed except that the committee may schedule an expedited hearing upon application of the records committee appellant and good cause shown;
- 629 (ii) send a copy of the notice of hearing to the records committee appellant; and
- 630 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing to:
- 632 (A) each member of the State Records Committee;
- 633 (B) the records officer and the chief administrative officer of the governmental entity whose access denial or fee dispute is the subject of the appeal, if the records committee appellant is a requester or interested party;
- 636 (C) any person who made a business confidentiality claim under Section 63G-2-309 for a record that is the subject of the appeal; and
- 638 (D) if the appeal is of a chief administrative officer's decision affirming an access denial, all persons who participated in the proceedings before the governmental entity's chief administrative officer [~~if the appeal is of the chief administrative officer's decision affirming an access denial~~].
- 642 (b)
- (i) The executive secretary of the State Records Committee may decline to schedule a hearing if the record series that is the subject of the appeal has been found by the committee in a previous hearing involving the same governmental entity to be appropriately classified as private, controlled, or protected.
- 646 (ii)

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- (A) If the executive secretary of the State Records Committee declines to schedule a hearing, the executive secretary shall send a notice to the records committee appellant indicating that the request for hearing has been denied and the reason for the denial.
- 650 (B) The State Records Committee shall make rules to implement this section as provided by Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 652 (c) The executive secretary of the State Records Committee may schedule a hearing on an appeal to the State Records Committee at a regularly scheduled State Records Committee meeting that is later than the period described in Subsection (4)(a)(i) if that committee meeting is the first regularly scheduled State Records Committee meeting at which there are fewer than 10 appeals scheduled to be heard.
- 657 (5)
- (a) No later than five business days before the hearing, a governmental entity shall submit to the executive secretary of the State Records Committee a written statement of facts, reasons, and legal authority in support of the governmental entity's position.
- 660 (b) The governmental entity shall send a copy of the written statement by first class mail, postage prepaid, to the requester or interested party involved in the appeal. The executive secretary shall forward a copy of the written statement to each member of the State Records Committee.
- 664 (6)
- (a) No later than 10 business days after the day on which the executive secretary sends the notice of appeal, a person whose legal interests may be substantially affected by the proceeding may file a request for intervention with the State Records Committee.
- 668 (b) Any written statement of facts, reasons, and legal authority in support of the intervener's position shall be filed with the request for intervention.
- 670 (c) The person seeking intervention shall provide copies of the statement described in Subsection (6)(b) to all parties to the proceedings before the State Records Committee.
- 673 (7) The State Records Committee shall hold a hearing within the period of time described in Subsection (4).
- 675 (8) At the hearing, the State Records Committee shall allow the parties to testify, present evidence, and comment on the issues. The committee may allow other interested persons to comment on the issues.
- 678 (9)

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(a)

(i) The State Records Committee:

679 (A) may review the disputed records; and

680 (B) shall review the disputed records, if the committee is weighing the various interests under
Subsection (11).

682 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.

683 (b) Members of the State Records Committee may not disclose any information or record reviewed by
the committee in camera unless the disclosure is otherwise authorized by this chapter.

686 (10)

(a) Discovery is prohibited, but the State Records Committee may issue subpoenas or other orders to
compel production of necessary evidence.

688 (b) When the subject of a State Records Committee subpoena disobeys or fails to comply with the
subpoena, the committee may file a motion for an order to compel obedience to the subpoena with
the district court.

691 (c)

(i) The State Records Committee's review shall be de novo, if the appeal is~~[-an appeal-]~~ :

693 (A) from an access denial, a fee waiver denial under Section 63G-2-203, or an estimate of a fee
amount under Subsection 63G-2-203(3); or

695 (B) from a decision of a chief administrative officer:

696 ~~[(A)]~~ (I) issued under Section 63G-2-401; or

697 ~~[(B)]~~ (II) issued by a chief administrative officer of a political subdivision that has not established a
local appeals board.

699 (ii) For an appeal from a decision of a local appeals board, the State Records Committee shall review
and consider the decision of the local appeals board.

701 (11)

(a) No later than seven business days after the hearing, the State Records Committee shall issue a
signed order:

703 (i) granting the relief sought, in whole or in part;~~[-or]~~

704 (ii) in relation to a fee estimate dispute:

705 (A) affirming the amount of a fee estimate;

706 (B) ordering a different fee amount; or

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- 707 (C) ordering a governmental entity to re-estimate a fee using specific fee estimate procedures or
guidelines, which may or may not include an order stating the range of fee amounts acceptable to
the State Records Committee in the matter; or
- 711 [~~ii~~] (iii) upholding the governmental entity's access denial, fee waiver denial, or estimate of a fee
amount, in whole or in part.
- 713 (b) Except as provided in Section 63G-2-406, the State Records Committee may, upon consideration
and weighing of the various interests and public policies pertinent to the classification and
disclosure or nondisclosure, order the disclosure of information properly classified as private,
controlled, or protected if the public interest favoring access is greater than or equal to the interest
favoring restriction of access.
- 718 (c) In making a determination under Subsection (11)(b), the State Records Committee shall consider
and, where appropriate, limit the requester's or interested party's use and further disclosure of the
record in order to protect:
- 721 (i) privacy interests in the case of a private or controlled record;
- 722 (ii) business confidentiality interests in the case of a record protected under Subsection 63G-2-305(1),
(2), (40)(a)(ii), or (40)(a)(vi); and
- 724 (iii) privacy interests or the public interest in the case of other protected records.
- 725 (12) The order of the State Records Committee shall include:
- 726 (a) a statement of reasons for the decision, including citations to this chapter, court rule or order,
another state statute, federal statute, or federal regulation that governs disclosure of the record, if the
citations do not disclose private, controlled, or protected information;
- 730 (b) a description of the record or portions of the record to which access was ordered or denied, if the
description does not disclose private, controlled, or protected information or information exempt
from disclosure under Subsection 63G-2-201(3)(b);
- 733 (c) a statement that any party to the proceeding before the State Records Committee may appeal the
committee's decision to district court; and
- 735 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a notice that in order
to protect its rights on appeal, the party may wish to seek advice from an attorney.
- 738 (13) If the State Records Committee fails to issue a decision within 73 calendar days of the filing of the
notice of appeal, that failure is the equivalent of an order denying the appeal. A records committee

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appellant shall notify the State Records Committee in writing if the records committee appellant considers the appeal denied.

742 (14) A party to a proceeding before the State Records Committee may seek judicial review in district
court of a State Records Committee order by filing a petition for review of the order as provided in
Section 63G-2-404.

745 (15)

(a) Unless a notice of intent to appeal is filed under Subsection (15)(b), each party to the proceeding shall comply with the order of the State Records Committee.

747 (b) If a party disagrees with the order of the State Records Committee, that party may file a notice of intent to appeal the order.

749 (c) If the State Records Committee orders the governmental entity to produce a record and no appeal is filed, or if, as a result of the appeal, the governmental entity is required to produce a record, the governmental entity shall:

752 (i) produce the record; and

753 (ii) file a notice of compliance with the committee.

754 (d)

(i) If the governmental entity that is ordered to produce a record fails to file a notice of compliance or a notice of intent to appeal, the State Records Committee may do either or both of the following:

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

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

761 (ii) In imposing a civil penalty, the State Records Committee shall consider the gravity and circumstances of the violation, including whether the failure to comply was due to neglect or was willful or intentional.

768 Section 8. Section **63G-2-404** is amended to read:

769 **63G-2-404. Judicial review.**

766 (1)

(a) A petition for judicial review of an order or decision, as allowed under this part, in Section 63G-2-209, or in Subsection 63G-2-701(6)(a)(ii), shall be filed no later than 30 days after the date of the order or decision, subject to Subsection (1)(b).

769 (b) The time for a requester to file a petition for judicial review under Subsection (1)(a) is suspended for the period of time that:

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- 771 (i) begins the date the requester submits a request under Section 63A-12-111 for the government
records ombudsman to mediate the dispute between the requester and the governmental entity; and
- 774 (ii) ends the earlier of the following dates:
- 775 (A) the date that the government records ombudsman certifies in writing that the mediation is
concluded; or
- 777 (B) the date that the government records ombudsman certifies in writing that the mediation did not
occur or was not concluded because of a lack of the required consent.
- 780 (2)
- (a) A petition for judicial review is a complaint governed by the Utah Rules of Civil Procedure and
shall contain:
- 782 (i) the petitioner's name and mailing address;
- 783 (ii) a statement identifying the order or decision that the petitioner is appealing;
- 784 [~~(ii)~~] (iii) a copy of the State Records Committee order from which the appeal is taken, if the
petitioner is seeking judicial review of an order of the State Records Committee;
- 787 [~~(iii)~~] (iv) the name and mailing address of the governmental entity that issued the initial
determination with a copy of that determination;
- 789 [~~(iv)~~] (v) a request for relief specifying the type and extent of relief requested; and
- 790 [~~(v)~~] (vi) a statement of the reasons why the petitioner is entitled to relief.
- 791 (b) Except in exceptional circumstances, a petition for judicial review may not raise an issue that was
not raised in the underlying appeal and order.
- 793 (3) If the appeal is based on the denial of access to a protected record based on a claim of business
confidentiality, the court shall allow the claimant of business confidentiality to provide to the court
the reasons for the claim of business confidentiality.
- 796 (4) All additional pleadings and proceedings in the district court are governed by the Utah Rules of
Civil Procedure.
- 798 (5) The district court may review the disputed records. The review shall be in camera.
- 799 (6)
- (a) The court shall:
- 800 (i) make the court's decision de novo, but, for a petition seeking judicial review of a State Records
Committee order, allow introduction of evidence presented to the State Records Committee;
- 803 (ii) determine all questions of fact and law without a jury; and

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- 804 (iii) decide the issue at the earliest practical opportunity.
- 805 (b) A court may remand a petition for judicial review to the State Records Committee if:
- 806 (i) the remand is to allow the State Records Committee to decide an issue that:
- 807 (A) involves access to a record; and
- 808 (B) the State Records Committee has not previously addressed in the proceeding that led to the petition
for judicial review; and
- 810 (ii) the court determines that remanding to the State Records Committee is in the best interests of
justice.
- 812 (7)
- (a) Except as provided in Section 63G-2-406, the court may, upon consideration and weighing of the
various interests and public policies pertinent to the classification and disclosure or nondisclosure,
order the disclosure of information properly classified as private, controlled, or protected if the
interest favoring access is greater than or equal to the interest favoring restriction of access.
- 817 (b) The court shall consider and, where appropriate, limit the requester's use and further disclosure of
the record in order to protect privacy interests in the case of private or controlled records, business
confidentiality interests in the case of records protected under Subsections 63G-2-305(1) and (2),
and privacy interests or the public interest in the case of other protected records.
- 826 Section 9. Section **63G-2-701** is amended to read:
- 827 **63G-2-701. Political subdivisions may adopt ordinances in compliance with chapter --**
Appeal process.
- 825 (1) As used in this section:
- 826 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.
- 827 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.
- 828 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.
- 829 (2)
- (a) Each political subdivision may adopt an ordinance or a policy applicable throughout its jurisdiction
relating to information practices including classification, designation, access, denials, segregation,
appeals, management, retention, and amendment of records.
- 833 (b) The ordinance or policy shall comply with the criteria set forth in this section.
- 834 (c) If any political subdivision does not adopt and maintain an ordinance or policy, then that political
subdivision is subject to this chapter.

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- 836 (d) Notwithstanding the adoption of an ordinance or policy, each political subdivision is subject to Part
1, General Provisions, Part 3, Classification, and Sections 63A-12-105, 63A-12-107, 63G-2-201,
63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and 63G-2-602.
- 840 (e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed with the state
archives no later than 30 days after its effective date.
- 842 (f) The political subdivision shall also report to the state archives all retention schedules, and all
designations and classifications applied to record series maintained by the political subdivision.
- 845 (g) The report required by Subsection (2)(f) is notification to state archives of the political subdivision's
retention schedules, designations, and classifications. The report is not subject to approval by state
archives. If state archives determines that a different retention schedule is needed for state purposes,
state archives shall notify the political subdivision of the state's retention schedule for the records
and shall maintain the records if requested to do so under Subsection 63A-12-105(2).
- 851 (3) Each ordinance or policy relating to information practices shall:
- 852 (a) provide standards for the classification and designation of the records of the political subdivision as
public, private, controlled, or protected in accordance with Part 3, Classification;
- 855 (b) require the classification of the records of the political subdivision in accordance with those
standards;
- 857 (c) provide guidelines for establishment of fees in accordance with Section 63G-2-203; and
- 859 (d) provide standards for the management and retention of the records of the political subdivision
comparable to Section 63A-12-103.
- 861 (4)
- (a) Each ordinance or policy shall establish access criteria, procedures, and response times for requests
to inspect, obtain, or amend records of the political subdivision, and time limits for appeals
consistent with this chapter.
- 864 (b) In establishing response times for access requests and time limits for appeals, the political
subdivision may establish reasonable time frames different than those set out in Section 63G-2-204
and Part 4, Appeals, if it determines that the resources of the political subdivision are insufficient to
meet the requirements of those sections.
- 868 (5)
- (a) A political subdivision shall establish an appeals process for persons aggrieved by classification,
designation, fee disputes, or access decisions.

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- 870 (b) A political subdivision's appeals process shall include[-] :
- 871 (i) a process for a requester or interested party to appeal an access denial, fee waiver denial, or
an estimate of a fee amount to a person designated by the political subdivision as the chief
administrative officer for purposes of an appeal under Section 63G-2-401[-] ; and
- 875 (ii) a process for a requester or interested party to optionally appeal an estimate of a fee amount directly
to the State Records Committee if the estimated fee amount exceeds \$500.
- 878 (c)
- (i) A political subdivision may establish an appeals board [~~to decide~~] for the purpose of hearing an
appeal of a decision of[-] :
- 880 (A) an access denial, fee waiver denial, or estimate of a fee amount; or
- 881 (B) the chief administrative officer affirming an access denial.
- 882 (ii) An appeals board established by a political subdivision shall be composed of three members:
- 884 (A) one of whom shall be an employee of the political subdivision; and
- 885 (B) two of whom shall be members of the public who are not employed by or officials of a
governmental entity, at least one of whom shall have professional experience with requesting or
managing records.
- 888 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of a chief
administrative officer shall be made to the appeals board, except that an appeal of an estimate of a
fee amount may be appealed directly to the State Records Committee as required by Subsection (5)
(b)(ii) if the estimated fee amount exceeds \$500.
- 893 (iv) If a political subdivision does not establish an appeals board, the political subdivision's appeals
process shall provide for an appeal of a chief administrative officer's decision to the State Records
Committee, as provided in Section 63G-2-403.
- 897 (6)
- (a) A political subdivision or requester may appeal an appeals board decision:
- 898 (i) to the State Records Committee, as provided in Section 63G-2-403; or
- 899 (ii) by filing a petition for judicial review with the district court.
- 900 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the conduct of the
proceeding shall be in accordance with Sections 63G-2-402 and 63G-2-404.
- 903 (c) A person who appeals an appeals board decision to the State Records Committee does not lose or
waive the right to seek judicial review of the decision of the State Records Committee.

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

912 Section 10. **Effective date.**

This bill takes effect on May 7, 2025.

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