

SB0163S04 compared with SB0163S03

~~{Omitted text}~~ shows text that was in SB0163S03 but was omitted in SB0163S04
inserted text shows text that was not in SB0163S03 but was inserted into SB0163S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1	<div>Government Records Amendments</div> <div>2025 GENERAL SESSION</div> <div>STATE OF UTAH</div> <div>Chief Sponsor: Wayne A. Harper</div> <div>House Sponsor:Matt MacPherson</div>
2	<hr/>
3	LONG TITLE
4	General Description:
5	This bill amends provisions relating to the Government Records Access and Management
6	Act.
7	Highlighted Provisions:
8	This bill:
9	▸ defines terms;
10	▸ requires a summary of government records requirements to be developed and provided to
	employees of a governmental entity;
12	▸ modifies provisions relating to fees charged in relation to a record request;
13	▸ modifies requirements for responding to a record request, including:
14	• deadlines;
15	• a request for an expedited response;
16	• appeals; and
17	• other requirements;
18	▸ modifies provisions relating to certain protected records;

SB0163S03 compared with SB0163S04

- 19 ▸ modifies provisions relating to the State Records Committee;
- 20 ▸ requires a governmental entity to conduct an annual review of records retention requirements and
compliance with those requirements;
- 22 ▸ amends requirements for an ordinance or policy adopted by a political subdivision in relation to
public records;
- 24 ▸ makes it a crime to destroy a record with the intent to avoid disclosure in response to a pending
record request;
- 26 ▸ makes technical and conforming changes; and
- 27 ▸ includes a coordination clause to resolve conflicts between this bill and S.B. 277, Government
Records Management Amendments, to make technical changes that allow the changes in both bills to
take effect.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a coordination clause.

35 **AMENDS:**

36 **20A-2-104** , as last amended by Laws of Utah 2023, Chapters 327, 406 , as last amended by Laws of
Utah 2023, Chapters 327, 406

37 **20A-11-1205** , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of
Utah 2020, Chapter 22

38 **63G-2-102** , as renumbered and amended by Laws of Utah 2008, Chapter 382 , as renumbered and
amended by Laws of Utah 2008, Chapter 382

39 **63G-2-103** , as last amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522 , as last
amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522

40 **63G-2-107** , as last amended by Laws of Utah 2024, Chapters 18, 381 , as last amended by Laws of
Utah 2024, Chapters 18, 381

41 **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

42 **63G-2-203** , as last amended by Laws of Utah 2022, Chapter 128 , as last amended by Laws of Utah
2022, Chapter 128

SB0163S03 compared with SB0163S04

63G-2-204 , as last amended by Laws of Utah 2023, Chapter 173 , as last amended by Laws of Utah 2023, Chapter 173

63G-2-301 , as last amended by Laws of Utah 2020, Chapters 255, 399 , as last amended by Laws of Utah 2020, Chapters 255, 399

63G-2-305 , as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and 522 , as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and 522

63G-2-400.5 , as last amended by Laws of Utah 2019, Chapters 254, 334 , as last amended by Laws of Utah 2019, Chapters 254, 334

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

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

63G-2-501 , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

63G-2-502 , as last amended by Laws of Utah 2019, Chapter 254 , as last amended by Laws of Utah 2019, Chapter 254

63G-2-604 , as last amended by Laws of Utah 2023, Chapters 173, 516 , as last amended by Laws of Utah 2023, Chapters 173, 516

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

63G-2-801 , as last amended by Laws of Utah 2019, Chapter 254 , as last amended by Laws of Utah 2019, Chapter 254

77-27-5 , as last amended by Laws of Utah 2024, Chapters 145, 187 and 208 , as last amended by Laws of Utah 2024, Chapters 145, 187 and 208

ENACTS:

63A-12-117 , Utah Code Annotated 1953 , Utah Code Annotated 1953

63G-2-605 , Utah Code Annotated 1953 , Utah Code Annotated 1953

Utah Code Sections affected by Coordination Clause:

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

SB0163S03 compared with SB0163S04

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

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

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

(1) As used in this section:

(a) "Candidate for public office" means an individual:

(i) who files a declaration of candidacy for a public office;

(ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

(iii) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i) or (ii) for political campaign purposes.

(b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and the federal Violence Against Women Act of 1994, as amended.

(c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal Violence Against Women Act of 1994, as amended.

(d) "Hash Code" means a code generated by applying an algorithm to a set of data to produce a code that:

(i) uniquely represents the set of data;

(ii) is always the same if the same algorithm is applied to the same set of data; and

(iii) cannot be reversed to reveal the data applied to the algorithm.

(e) "Protected individual" means an individual:

(i) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor or a county clerk, if the individual indicates on the form that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence;

(ii) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor or a county clerk, if the individual indicates on the form and provides verification that the individual, or an individual who resides with the individual, is a law enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure, or protected by a protective order or protection order; or

(iii) whose voter registration record was classified as a private record at the request of the individual before May 12, 2020.

(2)

SB0163S03 compared with SB0163S04

- (a) An individual applying for voter registration, or an individual preregistering to vote, shall complete a voter registration form in substantially the following form:

{ }

UTAH ELECTION REGISTRATION FORM

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

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

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

If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to vote? Yes No

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

Name of Voter

First Middle Last

Utah Driver License or Utah Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Email Address (optional) _____

Last four digits of Social Security Number _____

Last former address at which I was registered to vote (if known) _____

City County State Zip Code

Political Party

(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

Unaffiliated (no political party preference) Other (Please specify) _____

I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of

SB0163S03 compared with SB0163S04

Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

Voter's Signature

_____ (month/day/year).

PRIVACY INFORMATION

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

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

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

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

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

SB0163S03 compared with SB0163S04

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

{ }

CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

Signature of Applicant

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

NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH; OR TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.

FOR OFFICIAL USE ONLY

Type of I.D. _____

Voting Precinct _____

Voting I.D. Number _____

SB0163S03 compared with SB0163S04

- (b) The voter registration form described in Subsection (2)(a) shall include a section in substantially the following form:

{ }

BALLOT NOTIFICATIONS

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

_____ Yes, I would like to receive electronic notifications regarding the status of my ballot.

- 203 (c)
- (i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical file, which may be electronic or some other recognized system.
- 206 (ii) The county clerk may transfer a superseded voter registration form to the Division of Archives and Records Service created under Section 63A-12-101.
- 208 (3)
- (a) Each county clerk shall retain lists of currently registered voters.
- 209 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 210 (c) If there are any discrepancies between the two lists, the county clerk's list is the official list.
- 212 (d) The lieutenant governor and the county clerks may charge the fees established under the authority of Subsection [63G-2-203(10)]63G-2-203(11) to individuals who wish to obtain a copy of the list of registered voters.
- 215 (4)
- (a) As used in this Subsection (4), "qualified person" means:
- 216 (i) a government official or government employee acting in the government official's or government employee's capacity as a government official or a government employee;
- 219 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent contractor of a health care provider;
- 221 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent contractor of an insurance company;

SB0163S03 compared with SB0163S04

- 223 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent
contractor of a financial institution;
- 225 (v) a political party, or an agent, employee, or independent contractor of a political party;
- 227 (vi) a candidate for public office, or an employee, independent contractor, or volunteer of a
candidate for public office;
- 229 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year of birth
from the list of registered voters:
- 231 (A) provides the year of birth only to a person described in Subsections (4)(a)(i) through (vii);
- 233 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections
(4)(a)(i) through (vii);
- 235 (C) ensures, using industry standard security measures, that the year of birth may not be accessed by a
person other than a person described in Subsections (4)(a)(i) through (vii);
- 238 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom the person
provides the year of birth will only use the year of birth to verify the accuracy of personal
information submitted by an individual or to confirm the identity of a person in order to prevent
fraud, waste, or abuse;
- 242 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person provides the year of
birth will only use the year of birth in the person's capacity as a government official or government
employee; and
- 245 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the
year of birth will only use the year of birth for a political purpose of the political party or candidate
for public office; or
- 248 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under
Subsection (4)(n) and (o):
- 250 (A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);
- 252 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in
Subsection (4)(a)(v) or (vi);
- 254 (C) ensures, using industry standard security measures, that the information may not be accessed by a
person other than a person described in Subsection (4)(a)(v) or (vi); and
- 257

SB0163S03 compared with SB0163S04

(D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the information will only use the information for a political purpose of the political party or candidate for public office.

(b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of registered voters to a qualified person under this section, include, with the list, the years of birth of the registered voters, if:

(i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person; and

(ii) the qualified person signs a document that includes the following:

(A) the name, address, and telephone number of the person requesting the list of registered voters;

(B) an indication of the type of qualified person that the person requesting the list claims to be;

(C) a statement regarding the purpose for which the person desires to obtain the years of birth;

(D) a list of the purposes for which the qualified person may use the year of birth of a registered voter that is obtained from the list of registered voters;

(E) a statement that the year of birth of a registered voter that is obtained from the list of registered voters may not be provided or used for a purpose other than a purpose described under Subsection (4)(b)(ii)(D);

(F) a statement that if the person obtains the year of birth of a registered voter from the list of registered voters under false pretenses, or provides or uses the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;

(G) an assertion from the person that the person will not provide or use the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law; and

(H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.

(c) The lieutenant governor or a county clerk:

(i) may not disclose the year of birth of a registered voter to a person that the lieutenant governor or county clerk reasonably believes:

(A) is not a qualified person or a person described in Subsection (4)(l); or

(B) will provide or use the year of birth in a manner prohibited by law; and

SB0163S03 compared with SB0163S04

- 293 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the lieutenant governor
or county clerk reasonably believes:
- 295 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
- 296 (B) will provide or use the information in a manner prohibited by law.
- 297 (d) The lieutenant governor or a county clerk may not disclose the voter registration form of a person,
or information included in the person's voter registration form, whose voter registration form is
classified as private under Subsection (4)(h) to a person other than:
- 301 (i) a government official or government employee acting in the government official's or government
employee's capacity as a government official or government employee; or
- 304 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political
purpose.
- 306 (e)
- (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under
Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described
in Subsection 63G-2-302(1)(j), other than the year of birth.
- 310 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the voter registration
record of a protected individual, the lieutenant governor or county clerk shall comply with
Subsections (4)(n) through (p).
- 313 (f) The lieutenant governor or a county clerk may not disclose a withholding request form, described
in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a
person other than a government official or government employee acting in the government official's
or government employee's capacity as a government official or government employee.
- 318 (g) A person is guilty of a class A misdemeanor if the person:
- 319 (i) obtains from the list of registered voters, under false pretenses, the year of birth of a registered voter
or information described in Subsection (4)(n) or (o);
- 321 (ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4)(n)
or (o), that is obtained from the list of registered voters in a manner that is not permitted by law;
- 324 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;
- 326 (iv) uses or provides information obtained from a voter registration record described in Subsection
63G-2-302(1)(k) in a manner that is not permitted by law;
- 328

SB0163S03 compared with SB0163S04

- (v) unlawfully discloses or obtains a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8); or
- 331 (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8).
- 334 (h) The lieutenant governor or a county clerk shall classify the voter registration record of a voter as a private record if the voter:
- 336 (i) submits a written application, created by the lieutenant governor, requesting that the voter's voter registration record be classified as private;
- 338 (ii) requests on the voter's voter registration form that the voter's voter registration record be classified as a private record; or
- 340 (iii) submits a withholding request form described in Subsection (7) and any required verification.
- 342 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection (7).
- 346 (j) In addition to any criminal penalty that may be imposed under this section, the lieutenant governor may impose a civil fine against a person who violates a provision of this section, in an amount equal to the greater of:
- 349 (i) the product of 30 and the square root of the total number of:
- 350 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 352 (B) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 354 (ii) \$200.
- 355 (k) A qualified person may not obtain, provide, or use the year of birth of a registered voter, if the year of birth is obtained from the list of registered voters or from a voter registration record, unless the person:
- 358 (i) is a government official or government employee who obtains, provides, or uses the year of birth in the government official's or government employee's capacity as a government official or government employee;
- 361 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the year of birth only to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

SB0163S03 compared with SB0163S04

- 365 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains, provides, or uses the year
of birth for a political purpose of the political party or candidate for public office; or
- 368 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or uses the year
of birth to provide the year of birth to another qualified person to verify the accuracy of personal
information submitted by an individual or to confirm the identity of a person in order to prevent
fraud, waste, or abuse.
- 372 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of the media,
in relation to an individual designated by the member of the media, in order for the member of the
media to verify the identity of the individual.
- 375 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose information from a voter
registration record for a purpose other than a political purpose.
- 378 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
when providing the list of registered voters to a qualified person described in Subsection (4)(a)
(v) or (vi), include, from the record of a voter whose record is withheld under Subsection (7), the
information described in Subsection (4)(o), if:
- 383 (i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a
qualified person described in Subsection (4)(a)(v) or (vi); and
- 385 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the
following:
- 387 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 389 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 391 (C) a statement regarding the purpose for which the person desires to obtain the information;
- 393 (D) a list of the purposes for which the qualified person may use the information;
- 394 (E) a statement that the information may not be provided or used for a purpose other than a purpose
described under Subsection (4)(n)(ii)(D);
- 396 (F) a statement that if the person obtains the information under false pretenses, or provides or uses the
information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and
is subject to a civil fine;
- 399 (G) an assertion from the person that the person will not provide or use the information in a manner that
is prohibited by law; and

401

SB0163S03 compared with SB0163S04

(H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.

(o) Except as provided in Subsection (4)(p), the information that the lieutenant governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:

(i) a single hash code, generated from a string of data that includes both the voter's voter identification number and residential address;

(ii) the voter's residential address;

(iii) the voter's mailing address, if different from the voter's residential address;

(iv) the party affiliation of the voter;

(v) the precinct number for the voter's residential address;

(vi) the voter's voting history; and

(vii) a designation of which age group, of the following age groups, the voter falls within:

(A) 25 or younger;

(B) 26 through 35;

(C) 36 through 45;

(D) 46 through 55;

(E) 56 through 65;

(F) 66 through 75; or

(G) 76 or older.

(p) The lieutenant governor or a county clerk may not disclose:

(i) information described in Subsection (4)(o) that, due to a small number of voters affiliated with a particular political party, or due to another reason, would likely reveal the identity of a voter if disclosed; or

(ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the county clerk determines that the nature of the address would directly reveal sensitive information about the voter.

(q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide, or use the information described in Subsection (4)(n) or (o), except to the extent that the qualified person uses the information for a political purpose of a political party or candidate for public office.

(5) When political parties not listed on the voter registration form qualify as registered political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall

SB0163S03 compared with SB0163S04

inform the county clerks of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.

- 438 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:
- 440 (a) review each voter registration form for completeness and accuracy; and
- 441 (b) if the county clerk believes, based upon a review of the form, that an individual may be seeking to register or preregister to vote who is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.
- 445 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a person described in Subsection (4)(a)(i), the voter registration record, and information obtained from the voter registration record, of a protected individual.
- 448 (8)
- (a) The lieutenant governor shall design and distribute the withholding request form described in Subsection (7) to each election officer and to each agency that provides a voter registration form.
- 451 (b) An individual described in Subsection (1)(e)(i) is not required to provide verification, other than the individual's attestation and signature on the withholding request form, that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence.
- 456 (c) The director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for providing the verification described in Subsection (1)(e)(ii).
- 460 (9) An election officer or an employee of an election officer may not encourage an individual to submit, or discourage an individual from submitting, a withholding request form.
- 463 (10)
- (a) The lieutenant governor shall make and execute a plan to provide notice to registered voters who are protected individuals, that includes the following information:
- 466 (i) that the voter's classification of the record as private remains in effect;
- 467 (ii) that certain non-identifying information from the voter's voter registration record may, under certain circumstances, be released to political parties and candidates for public office;
- 470

SB0163S03 compared with SB0163S04

(iii) that the voter's name, driver license or identification card number, social security number, email address, phone number, and the voter's day, month, and year of birth will remain private and will not be released to political parties or candidates for public office;

(iv) that a county clerk will only release the information to political parties and candidates in a manner that does not associate the information with a particular voter; and

(v) that a county clerk may, under certain circumstances, withhold other information that the county clerk determines would reveal identifying information about the voter.

(b) The lieutenant governor may include in the notice described in this Subsection (10) a statement that a voter may obtain additional information on the lieutenant governor's website.

(c) The plan described in Subsection (10)(a) may include providing the notice described in Subsection (10)(a) by:

(i) publication on the Utah Public Notice Website, created in Section 63A-16-601;

(ii) publication on the lieutenant governor's website or a county's website;

(iii) posting the notice in public locations;

(iv) publication in a newspaper;

(v) sending notification to the voters by electronic means;

(vi) sending notice by other methods used by government entities to communicate with citizens; or

(vii) providing notice by any other method.

(d) The lieutenant governor shall provide the notice included in a plan described in this Subsection (10) before June 16, 2023.

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

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

(1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:

(a) for a political purpose;

(b) to advocate for or against a proposed initiative, initiative, proposed referendum, referendum, a proposed bond, a bond, or any ballot proposition; or

(c) to solicit a campaign contribution.

(2)

(a) The lieutenant governor shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:

SB0163S03 compared with SB0163S04

- 506 (i) up to \$250 for a first violation; and
- 507 (ii) except as provided in Subsection (3), for each subsequent violation committed after the
lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied by
the number of violations committed by the person.
- 510 (b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against
the person under this Subsection (2), appeal the fine to a district court.
- 513 (3) The lieutenant governor shall consider a violation of this section as a first violation if the violation
is committed more than seven years after the day on which the person last committed a violation of
this section.
- 516 (4) For purposes of this section, one violation means one act of sending an email, regardless of the
number of recipients of the email.
- 518 (5) A person does not violate this section if:
- 519 (a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the
person using the email of a public entity;
- 521 (b) the person is directly providing information solely to another person or a group of people in
response to a question asked by the other person or group of people;
- 523 (c) the information the person emails is an argument or rebuttal argument prepared under Section
20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument
that:
- 526 (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
- 528 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 529 (d) the person is engaging in:
- 530 (i) an internal communication solely within the public entity;
- 531 (ii) a communication solely with another public entity;
- 532 (iii) a communication solely with legal counsel;
- 533 (iv) a communication solely with the sponsors of an initiative or referendum;
- 534 (v) a communication solely with a land developer for a project permitted by a local land use law that is
challenged by a proposed referendum or a referendum; or
- 536 (vi) a communication solely with a person involved in a business transaction directly relating to a
project described in Subsection (5)(d)(v).
- 538 (6) A violation of this section does not invalidate an otherwise valid election.

SB0163S03 compared with SB0163S04

(7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection ~~[63G-2-103(25)(b)(i)]~~ 63G-2-103(28)(b)(i).

Section 3. Section 3 is enacted to read:

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

(1) As used in this section:

(a) "Summary" means the one-page summary developed and updated by the division under Subsection (2).

(b) "Summary" includes, in relation to a governmental entity that adopts an ordinance or policy under Section 63G-2-701, the supplement developed and updated by the governmental entity in accordance with Subsection (3).

(2) The division shall:

(a) before September 1, 2025, develop a one-page summary of Title 63G, Chapter 2, Government Records Access and Management Act, to instruct an employee of a governmental entity on legal requirements relating to records, including information on:

(i) a citizen's ability to access public records;

(ii) the classification and retention of records;

(iii) the confidentiality of records that are not public records;

(iv) criminal penalties relating to government records; and

(v) where the employee may obtain additional information on questions relating to government records;

(b) update the summary before September 1 each year; and

(c) post a copy of the summary in a conspicuous place on the division's website.

(3) A governmental entity that adopts an ordinance or policy under Section 63G-2-701 shall:

(a) before November 1, 2025, develop a supplement to the summary described in Subsection (2) that:

(i) describes provisions in the ordinance or policy that differ from, or add to, the provisions of the summary described in Subsection (2); and

(ii) does not exceed one page;

(b) update the supplement before November 1 each year; and

SB0163S03 compared with SB0163S04

(c) post a copy of the supplement, with the summary described in Subsection (2), in a conspicuous place on the governmental entity's website.

(4) A governmental entity described in Subsection (3) shall:

(a) on an annual basis, within 30 days after the day on which the governmental entity develops or updates the supplement described in Subsection (3), provide each employee of the governmental entity with a copy of the summary; and

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

(5) A governmental entity, other than a governmental entity described in Subsection (3), shall:

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

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

Section 4. Section **63G-2-102** is amended to read:

63G-2-102. Legislative intent.

(1) In enacting this act, the Legislature recognizes~~[two constitutional rights]~~:

(a) the public's right of access to ~~[information]~~ records concerning the conduct of the public's business; and

(b) the right of privacy in relation to personal data gathered by governmental entities.

(2) The Legislature also recognizes a public policy interest in allowing a government to restrict access to certain records, as specified in this chapter, for the public good.

(3) It is the intent of the Legislature to:

(a) promote the public's right of easy and reasonable access to unrestricted public records;

(b) specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access;

(c) prevent abuse of confidentiality by governmental entities by permitting confidential treatment of records only as provided in this chapter;

(d) provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices;

SB0163S03 compared with SB0163S04

(e) favor public access when, in the application of this act, countervailing interests are of equal weight;
and

(f) establish fair and reasonable records management practices.

Section 5. Section **63G-2-103** is amended to read:

63G-2-103. Definitions.

As used in this chapter:

(1) "Audit" means:

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

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

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

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

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

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

~~[(3)] (4) "Classification[;]" ["classify," and their derivative forms mean determining whether]~~ means the designation of a record series, record, or information within a record [is] as:

(a) public[;] ;

(b) private[;] ;

(c) controlled[;] ;

(d) protected[;] ; or[-]

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

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

~~[(4)] (6)~~

(a) "Computer program" means:

SB0163S03 compared with SB0163S04

(i) a series of instructions or statements that ~~[permit]~~ permits the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system; and

(ii) any associated documentation and source material that explain how to operate the computer program.

(b) "Computer program" does not mean:

(i) the original data, including numbers, text, voice, graphics, and images;

(ii) analysis, compilation, and other manipulated forms of the original data produced by use of the program; or

(iii) the mathematical or statistical formulas, excluding the underlying mathematical algorithms contained in the program, that would be used if the manipulated forms of the original data were to be produced manually.

~~[(5)]~~ (7)

(a) "Contractor" means:

(i) ~~[any]~~ a person who contracts with a governmental entity to provide goods or services directly to a governmental entity; or

(ii) ~~[any]~~ a private, nonprofit organization that receives funds from a governmental entity.

(b) "Contractor" does not ~~[mean]~~ include a private provider.

~~[(6)]~~ (8) "Controlled record" means a record containing data ~~[on individuals]~~ on an individual that is controlled as ~~[provided by]~~ described in Section 63G-2-304.

~~[(7)]~~ (9) ~~["Designation," "designate," and their derivative forms mean indicating]~~ "Designate," in relation to a record series, means, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, specifying the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

~~[(8)]~~ (10) "Elected official" means ~~[each person]~~ an individual elected to a state office, county office, municipal office, school board or school district office, special district office, or special service district office, but does not include judges.

~~[(9)]~~ (11) "Explosive" means a chemical compound, device, or mixture:

(a) commonly used or intended for the purpose of producing an explosion; and

SB0163S03 compared with SB0163S04

(b) that contains oxidizing or combustive units or other ingredients in proportions, quantities, or packing so that:

(i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases; and

(ii) the resultant gaseous pressures are capable of:

(A) producing destructive effects on contiguous objects; or

(B) causing death or serious bodily injury.

~~[(10)]~~ (12) "Government audit agency" means any governmental entity that conducts an audit.

~~[(11)]~~ (13)

(a) "Governmental entity" means:

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

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

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

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

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

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

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection ~~[(11)(a)]~~ (13)(a) that is funded or established by the government to carry out the public's business;

SB0163S03 compared with SB0163S04

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

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

(iv) an association as defined in Section 53G-7-1101;

(v) the Utah Independent Redistricting Commission; and

(vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or more law enforcement officers, as defined in Section 53-13-103.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

~~[(12)]~~ (14) "Gross compensation" means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

~~[(13)]~~ (15) "Individual" means a human being.

~~[(14)]~~ (16)

(a) "Initial contact report" means an initial written or recorded report, however titled, prepared by ~~[peace officers]~~ a peace officer who is engaged in public patrol or response duties ~~[describing]~~ that describes official actions initially taken in response to ~~[either]~~ a public complaint about or the discovery of an apparent violation of law, which report may describe:

(i) the date, time, location, and nature of the complaint, the incident, or offense;

(ii) ~~[names of victims]~~ the victim's name;

(iii) the nature or general scope of the agency's initial actions taken in response to the incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about ~~[any person]~~ an individual who is arrested or charged in connection with the incident; or

(vi) the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.

(b) "Initial contact ~~[reports do]~~ report" does not include:

(i) a follow-up or investigative [reports] report prepared after the initial contact report~~[- However, if the information specified in Subsection (14)(a) appears in follow-up or investigative reports, it may~~

SB0163S03 compared with SB0163S04

only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).] ; or

735 [(e)] (ii) [~~Initial contact reports do not include~~] an accident [reports] report, as that term is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.

737 [(15)] (17) "Legislative body" means the Legislature.

738 [(16)] (18)

(a) "Media representative" means an individual who requests a record to obtain information for a story or report for a news publication or a news broadcast to the general public.

741 (b) "Media representative" does not include an individual who requests a record to obtain information for a blog, podcast, social media account, or other mass communication methods generally available for a member of the public to disseminate opinions or information.

745 (19) "Notice of compliance" means a statement confirming that a governmental entity has complied with an order of the State Records Committee.

747 [(17) "Person" means:]

748 [(a) an individual;]

749 [(b) a nonprofit or profit corporation;]

750 [(c) a partnership;]

751 [(d) a sole proprietorship;]

752 [(e) other type of business organization; or]

753 [(f) any combination acting in concert with one another.]

754 [(18)] (20) "Personal identifying information" means the same as that term is defined in Section 63A-12-100.5.

756 [(19)] (21) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.

758 [(20)] (22) "Private provider" means any person who contracts with a governmental entity to provide services directly to the public.

760 [(21)] (23) "Private record" means a record containing data on [~~individuals~~] an individual that is private as provided by Section 63G-2-302.

762 [(22)] (24) "Protected record" means a record that is classified protected as provided by Section 63G-2-305.

764 [(23)] (25) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

SB0163S03 compared with SB0163S04

- 766 [(24)] (26) "Reasonable search" means a search that is:
767 (a) reasonable in scope and intensity; and
768 (b) not unreasonably burdensome for the government entity.
- 769 (27) "Reasonable specificity" means that:
770 (a) a request for a record or multiple records:
771 (i) describes the requested records' scope, nature, content, and subject; and
772 (ii) for records that will be searched electronically, specifies the names, words, or symbols to be used as
search terms; and
774 (b) the request has sufficient specificity to identify the records sought.
- 775 [(25)] (28)
(a) "Record" means [~~a book, letter, document, paper, map, plan, photograph, film, card, tape,~~
~~recording, electronic data, or other documentary material regardless of physical form or~~
~~characteristics]~~ recorded information, regardless of medium, characteristics, or location:
779 (i) that is prepared, owned, received, or retained by a governmental entity or political subdivision;
and
781 (ii) where all of the information in the original is reproducible by photocopy or other mechanical or
electronic means.
- 783 (b) "Record" does not include:
784 (i) a personal note or personal communication prepared or received by an employee or officer of a
governmental entity:
786 (A) in a capacity other than the employee's or officer's governmental capacity; or
787 (B) that is unrelated to the conduct of the public's business;
788 (ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the
originator for the personal use of an individual for whom the originator is working;
791 (iii) material that is legally owned by an individual in the individual's private capacity;
792 (iv) material to which access is limited by the laws of copyright or patent unless the copyright or patent
is owned by a governmental entity or political subdivision;
794 (v) proprietary software;
795 (vi) junk mail or a commercial publication received by a governmental entity or an official or employee
of a governmental entity;
797

SB0163S03 compared with SB0163S04

- (vii) a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;
- 799 (viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library
open to the public, regardless of physical form or characteristics of the material;
- 802 (ix) a daily calendar[-];
- 803 (x) a note prepared by the originator for the originator's own use or for the sole use of an individual for
whom the originator is working;
- 805 (xi) a computer program that is developed or purchased by or for ~~[any]~~ a governmental entity for
[its] the governmental entity's own use;
- 807 (xii) a note or internal memorandum prepared as part of the deliberative process by:
- 808 (A) a member of the judiciary;
- 809 (B) an administrative law judge;
- 810 (C) a member of the Board of Pardons and Parole; or
- 811 (D) a member of any other body, other than an association or appeals panel as defined in Section
53G-7-1101, charged by law with performing a quasi-judicial function;
- 814 (xiii) a telephone number or similar code used to access a mobile communication device that is used
by an employee or officer of a governmental entity, provided that the employee or officer of the
governmental entity has designated at least one business telephone number that is a public record as
provided in Section 63G-2-301;
- 819 (xiv) information provided by the Public Employees' Benefit and Insurance Program, created in Section
49-20-103, to a county to enable the county to calculate the amount to be paid to a health care
provider under Subsection 17-50-319(2)(e)(ii);
- 822 (xv) information that an owner of unimproved property provides to a local entity as provided in Section
11-42-205;
- 824 (xvi) a video or audio recording of an interview, or a transcript of the video or audio recording, that is
conducted at a Children's Justice Center established under Section 67-5b-102;
- 827 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 828 (xviii) before final disposition of an ethics complaint occurs, a video or audio recording of the closed
portion of a meeting or hearing of:
- 830 (A) a Senate or House Ethics Committee;
- 831 (B) the Independent Legislative Ethics Commission;

SB0163S03 compared with SB0163S04

- 832 (C) the Independent Executive Branch Ethics Commission, created in Section 63A-14-202; or
834 (D) the Political Subdivisions Ethics Review Commission established in Section 63A-15-201;
836 (xix) confidential communication described in Section 58-60-102, 58-61-102, or 58-61-702;
838 (xx) any item described in Subsection (25)(a) that is:
839 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
840 (B) shared between any of the following entities:
841 (I) the Division of Risk Management;
842 (II) the Office of the Attorney General;
843 (III) the governor's office; or
844 (IV) the Legislature; or
845 (xxi) the email address that a candidate for elective office provides to a filing officer under Subsection
20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).
- 847 ~~[(26)]~~ (29) "Record request" means a request for a record under Section 63G-2-204.
848 (30) "Record series" means a group of records that may be treated as a unit for purposes of designation,
description, management, or disposition.
- 850 ~~[(27)]~~ (31) "Records officer" means ~~[the]~~ an individual appointed by [the] a chief administrative
officer of each governmental entity~~[-or the]~~ in accordance with Section 63A-12-103, or by a
political subdivision, to work with state archives in the care, maintenance, scheduling, designation,
classification, disposal, and preservation of records.
- 855 ~~[(28)]~~ (32) "Schedule," ~~["scheduling," and their derivative forms mean]~~ when used as a verb, means:
857 (a) the process of specifying the length of time each record series should be retained by a governmental
entity for administrative, legal, fiscal, or historical purposes; and
859 (b) when each record series should be transferred to the state archives or destroyed.
- 860 ~~[(29)]~~ (33) "Sponsored research" means research, training, and other sponsored activities as defined by
the federal Executive Office of the President, Office of Management and Budget:
863 (a) conducted:
864 (i) by an institution within the state system of higher education defined in Section 53B-1-102; and
866 (ii) through an office responsible for sponsored projects or programs; and
867 (b) funded or otherwise supported by an external:
868 (i) person that is not created or controlled by the institution within the state system of higher education;
or

SB0163S03 compared with SB0163S04

- 870 (ii) federal, state, or local governmental entity.
- 871 [(30)] (34) "State archives" means the Division of Archives and Records Service created in Section
63A-12-101.
- 873 [(31)] (35) "State archivist" means the director of the state archives.
- 874 [(32)] (36) "State Records Committee" means the State Records Committee created in Section
63G-2-501.
- 876 [(33)] (37) "Summary data" means statistical records and compilations that contain data derived from
private, controlled, or protected information but that do not disclose private, controlled, or protected
information.
- 879 Section 6. Section **63G-2-107** is amended to read:
- 880 **63G-2-107. Disclosure of records subject to federal law or other provisions of state law.**
- 882 (1)
- (a) The disclosure of a record to which access is governed or limited pursuant to court rule, another
state statute, federal statute, or federal regulation, including a record for which access is governed or
limited as a condition of participation in a state or federal program or for receiving state or federal
funds, is governed by the specific provisions of that statute, rule, or regulation.
- 887 (b) Except as provided in Subsections (2) and (3), this chapter applies to records described in
Subsection (1)(a) to the extent that this chapter is not inconsistent with the statute, rule, or
regulation.
- 890 (2) Except as provided in Subsection (4), this chapter does not apply to a record containing protected
health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually
Identifiable Health Information, or to any portion of the record, if the record is:
- 894 (a) controlled or maintained by a governmental entity; and
- 895 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health
Information.
- 897 [~~(3) The disclosure of an education record as defined in the Family Educational Rights and Privacy
Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity is governed by the
Family Educational Rights and Privacy Act, 34 C.F.R.~~
- 900 ~~Part 99.]~~
- 901 {~~(3) {Except as provided in Subsection (4), this chapter does not apply to education records, as that
term is defined in 20 U.S.C Sec. 1232g(a)(4) of the Family Educational Rights and Privacy Act, or~~

SB0163S03 compared with SB0163S04

to any portion of an educational record, regardless of whether the education records were requested before May 7, 2025, or on or after May 7, 2025.} }

- 901 (3)
- 905 {~~(4)~~} As used in this Subsection (3), "education records" means the same as that term is defined in the Family Educational Rights and Privacy Act, 20 U.S.C Sec. 1232g.
- 903 (b) Except as provided in Subsection (4), this chapter does not apply to education records or to any portion of an education record, regardless of whether the education records were requested before May 7, 2025, or on or after May 7, 2025.
- 906 (c) A governmental entity that is subject to the Family Educational Rights and Privacy Act, 20 U.S.C Sec. 1232g, shall respond to a request for access to education records in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C Sec. 1232g.
- 910 (4) This section does not exempt any record or record series from the provisions of Subsection 63G-2-601(1).
- 912 Section 7. Section **63G-2-201** is amended to read:
- 913 **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.**
- 911 (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.
- 914 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 915 (i) a copy of which the governmental entity has already provided to the person;
- 916 (ii) that is the subject of a records request that the governmental entity is not required to fill under Subsection (7)(a)(v); or
- 918 (iii)
- (A) that is accessible only by a computer or other electronic device owned or controlled by the governmental entity;
- 920 (B) that is part of an electronic file that also contains a record that is private, controlled, or protected; and
- 922

SB0163S03 compared with SB0163S04

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

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

(3) The following records are not public:

(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

(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.

(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.

(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.

(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]~~ a person other than ~~[those]~~ a person specified in Section 63G-2-202 or 63G-2-206 if the ~~[head of a governmental entity, or a designee,]~~ chief administrative officer or records officer determines that:

(i) there is no interest in restricting access to the record; or

(ii) the interests favoring access are greater than or equal to the interest favoring restriction of access.

(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:

(i) the ~~[head of the governmental entity, or a designee,]~~ chief administrative officer or records officer determines that the disclosure:

(A) is mutually beneficial to:

(I) the subject of the record;

(II) the governmental entity; and

(III) the public; and

(B) serves a public purpose related to:

(I) public safety; or

SB0163S03 compared with SB0163S04

- 955 (II) consumer protection; and
- 956 (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.
- 958 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 959 (a) the person requesting the record has a right to inspect it;
- 960 (b) the person identifies the record with reasonable specificity; and
- 961 (c) the person pays the lawful fees.
- 962 (7)
- (a) In response to a request, a governmental entity is not required to:
- 963 (i) create a record;
- 964 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 965 (iii) provide a record in a particular format, medium, or program not currently maintained by the
governmental entity;
- 967 (iv) fulfill a person's records request if the request unreasonably duplicates prior records requests
from that person;
- 969 (v) fill a person's records request if:
- 970 (A) the record requested is:
- 971 (I) publicly accessible online; or
- 972 (II) included in a public publication or product produced by the governmental entity receiving the
request; and
- 974 (B) the governmental entity:
- 975 (I) specifies to the person requesting the record where the record is accessible online; or
- 977 (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
- 980 (vi) fulfill a person's records request if:
- 981 (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;
- 983 (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
- 986 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 987 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 988 (8)

SB0163S03 compared with SB0163S04

- (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.
- 992 (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.
- 996 (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.
- 999 (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.
- 1004 (b) Subsection (9)(a) does not apply to:
- 1005 (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
- 1008 (ii) a record request that is submitted by an attorney of an individual described in Subsection (9)(a).
- 1010 (10)
- (a) A governmental entity may allow a person requesting more than 50 pages of records to copy the records if:
- 1012 (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
- 1015 (ii) the governmental entity provides reasonable safeguards to protect the public from the potential for loss of a public record.
- 1017 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 1018 (i) provide the requester with the facilities for copying the requested records and require that the requester make the copies; or

SB0163S03 compared with SB0163S04

- 1020 (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.
- 1023 (11)
- (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.
- 1027 (b) Nothing in this chapter [~~shall be construed to limit or impair~~] limits or impairs 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 ownership.
- 1030 (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.
- 1033 (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] the record's paper equivalent if:
- 1036 (a) the person making the request requests or states a preference for an electronic copy;
- 1037 (b) the governmental entity currently maintains the record in an electronic format that is reproducible
and may be provided without reformatting or conversion; and
- 1039 (c) the electronic copy of the record:
- 1040 (i) does not disclose other records that are exempt from disclosure; or
- 1041 (ii) may be segregated to protect private, protected, or controlled information from disclosure without
the undue expenditure of public resources or funds.
- 1043 (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:
- 1046 (a) any personal privacy [~~interests~~] interest, including [~~those~~] a personal privacy interest in images, that
would be affected by disclosure of the records[~~in question~~]; and
- 1048 (b) any public [~~interests~~] interest served by disclosure.
- 1054 Section 8. Section **63G-2-203** is amended to read:
- 1055 **63G-2-203. Fees.**
- 1051 (1)

SB0163S03 compared with SB0163S04

- (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.
- 1053 (b) A fee ~~[under]~~ described in Subsection (1)(a) shall be approved by the governmental entity's executive officer.
- 1055 (2)
- (a) ~~[When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the]~~ The actual costs under this section may include the following:
- 1058 (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;
- 1061 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
- 1063 (iii) ~~[in the case of fees]~~for a record that is the result of computer output other than word processing, in addition to costs described in Subsections (2)(a)(i) and (ii), 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)]~~.
- 1069 (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.
- 1072 (3)
- (a) Fees shall be established as provided in this Subsection (3).
- 1073 (b) A governmental entity with fees established by the Legislature:
- 1074 (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and
- 1076 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.
- 1078 (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.
- 1080 (d) The judiciary shall establish fees by rules of the judicial council.
- 1081 (4) A governmental entity may fulfill a record request without charge, and is encouraged to~~[-do so if it]~~ , if the governmental entity determines that:

SB0163S03 compared with SB0163S04

- 1083 (a) releasing the record primarily benefits the public rather than a person;
- 1084 (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
- 1086 (c) the requester's legal rights are directly implicated by the information in the record, and the requester
is impecunious.
- 1088 [(5)]
- (a) ~~As used in this Subsection (5), "media representative":~~
- 1089 [(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]
- 1091 [(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.]
- 1094 [(b)] (5)
- (a) A governmental entity may not charge a fee for:
- 1095 (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by
Subsection (2)(a)(ii);
- 1097 (ii) inspecting a record; or
- 1098 (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.
- 1100 [(e)] (b) Notwithstanding Subsection [(5)(b)(iii)] (5)(a)(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:
- 1104 (i) is not a Utah media representative; and
- 1105 (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.
- 1107 (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] a denial under Section 63G-2-205.
- 1110 (b) The adjudicative body hearing the appeal:
- 1111 (i) shall review the fee waiver de novo[, but] ;
- 1112

SB0163S03 compared with SB0163S04

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

1114 ~~[(ii)]~~ (iii) has the same authority when a fee waiver or reduction is denied as [it] the adjudicative body
has when the inspection of a public record is denied.

1116 (c) An adjudicative body hearing an appeal under this Subsection (6) is not required to schedule a hearing if the adjudicative body previously upheld a fee waiver denial for a fee charged under this section:

1119 (i) for the same records; or

1120 (ii) under the same facts or circumstances applicable to the matter appealed under this Subsection (6).

1122 (7)

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

1125 (b) The governmental entity shall provide the requester with an opportunity, no later than 10 business days after the day on which the governmental entity provides notice of the estimated cost, to:

1128 (i) agree to pay the estimated fees; or

1129 (ii) cancel the record request.

1130 (c) If the requester fails to respond within the time described in Subsection (7)(b), the governmental entity may not consider the request.

1132 (d) Nothing in this Subsection (7) prevents a requester from submitting a new record request.

1134 ~~[(7)]~~ (8)

(a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1136 (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.

1138 ~~[(8)]~~ (9)

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

1141 (i) fees are expected to exceed \$50; or

1142 (ii) the requester has not paid fees from a previous [requests] request.

1143 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1144

SB0163S03 compared with SB0163S04

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

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

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

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

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

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

~~[(10)]~~ (11)

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

(b) The lieutenant governor shall:

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

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

Section 9. Section **63G-2-204** is amended to read:

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

(1)

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

(i) the person's:

(A) name;

(B) mailing address;

(C) email address, if the person has an email address and is willing to accept communications by email relating to the person's ~~[records request]~~ record request; and

(D) daytime telephone number; and

(ii) a description of the record requested that identifies the record with reasonable specificity.

SB0163S03 compared with SB0163S04

- 1177 (b)
- 1178 (i) A single record request may not be submitted to multiple governmental entities.
- 1178 (ii) Subsection (1)(b)(i) ~~[may not be construed to]~~ does not prevent a person from submitting a separate record request to ~~[each of]~~ multiple governmental entities, even if each ~~[of the separate requests]~~ separate request seeks access to the same record.
- 1182 (c) When making a record request, the requester may seek an expedited response to the request if the requester provides an explanation of how the expedited response benefits the public rather than the requester.
- 1185 (d) Subject to Subsection (1)(f), a governmental entity may reject a record request that does not comply with the requirements described in Subsection (1)(a).
- 1187 (e) The rejection of a record request under Subsection (1)(d) does not constitute an access denial as defined in Section 63G-2-400.5.
- 1189 (f) If a governmental entity rejects a record request under Subsection (1)(d) because the description of the record requested fails to identify the record with reasonable specificity, the governmental entity shall make a good faith effort to assist the requester in providing reasonable specificity.
- 1193 (2)
- 1193 (a) In response to a ~~[request for a record]~~ record request, a governmental entity may not provide a record that ~~[it has received]~~ the governmental entity receives under Section 63G-2-206 as a shared record.
- 1196 (b) If a governmental entity is prohibited from providing a record under Subsection (2)(a), the governmental entity shall:
- 1198 (i) deny the ~~[records]~~ record request; and
- 1199 (ii) ~~[inform the person making the request of the identity]~~ provide the requester with the name of the governmental entity from which the shared record was received.
- 1201 (3) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying where and to whom ~~[requests for access shall be]~~ a record request is directed.
- 1204 ~~[(4) After receiving a request for a record, a governmental entity shall:]~~
- 1205 ~~[(a) review each request that seeks an expedited response and notify, within five business days after receiving the request, each requester that has not demonstrated that their record request benefits the public rather than the person that their response will not be expedited; and]~~

SB0163S03 compared with SB0163S04

- 1209 ~~[(b) as soon as reasonably possible, but no later than 10 business days after receiving a written request,~~
~~or five business days after receiving a written request if the requester demonstrates that expedited~~
~~response to the record request benefits the public rather than the person:]~~
- 1213 ~~[(i) approve the request and provide a copy of the record;]~~
- 1214 ~~[(ii) deny the request in accordance with the procedures and requirements of Section 63G-2-205;]~~
- 1216 ~~[(iii) notify the requester that it does not maintain the record requested and provide, if known, the name~~
~~and address of the governmental entity that does maintain the record; or]~~
- 1219 ~~[(iv) notify the requester that because of one of the extraordinary circumstances listed in Subsection (6),~~
~~it cannot immediately approve or deny the request, and include with the notice:]~~
- 1222 ~~[(A) a description of the circumstances that constitute the extraordinary circumstances; and]~~
- 1224 ~~[(B) the date when the records will be available, consistent with the requirements of Subsection (7).]~~
- 1226 ~~[(5)]~~ (4) After a governmental entity receives a written record request, if the requester seeks an
expedited response in accordance with Subsection (1)(c), the governmental entity shall:
- 1229 (a) review the request to determine if an expedited response:
- 1230 (i) is warranted, because the expedited response benefits the public rather than the requester as
described in Subsection (1)(c); and
- 1232 (ii) is reasonably possible under the circumstances;
- 1233 (b) no later than five business days after the day on which the governmental entity receives the request:
- 1235 (i) if the governmental entity determines that an expedited response is warranted and reasonably
possible under the circumstances, respond to the record request in accordance with the requirements
of this chapter; or
- 1238 (ii) if the governmental entity determines that an expedited response is not warranted or is not
reasonably possible under the circumstances;
- 1240 (A) deny the request for an expedited response;
- 1241 (B) notify the requester of the determination and the grounds for the determination; and
- 1243 (C) inform the requester that the governmental entity will respond to the record request as a non-
expedited request, in accordance with the requirements of law; and
- 1246 (c) if the governmental entity denies the request for an expedited response under Subsection (4)(b)(ii),
respond to the record request under Subsection (5).
- 1248 (5) After a governmental entity receives a record request, if the requester does not seek an expedited
response in accordance with Subsection (1)(c), or if the governmental entity denies a request for

SB0163S03 compared with SB0163S04

an expedited response under Subsection (4)(b)(ii), the governmental entity shall, no later than 15 business days after the day on which the governmental entity receives the request:

- 1253 (a) approve the request and provide the requester with a copy of the record;
- 1254 (b) approve the request, subject to the payment of a fee in accordance with Section 63G-2-203;
- 1256 (c) deny the request in accordance with Section 63G-2-205;
- 1257 (d) notify the requester that the governmental entity does not retain the record and provide the requester with the name and address of the governmental entity that maintains the record, if known;
- 1260 (e) notify the requester that the governmental entity:
- 1261 (i) conducted a reasonable search for the record; and
- 1262 (ii) was unable to locate a record that is responsive to the request; or
- 1263 (f) notify the requester that because of an exceptional circumstance, as described in Subsection (7), the governmental entity is unable to immediately approve or deny the record request, and include with the notice:
- 1266 (i) a description of the circumstance that constitutes the exceptional circumstance; and
- 1267 (ii) the anticipated date when the record request will be fulfilled.
- 1268 (6) ~~[Any person who requests a record]~~ A media representative who makes a record request to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than [a person] the media representative.
- 1272 ~~[(6)]~~ (7) The following circumstances constitute ["extraordinary circumstances"] exceptional circumstances that allow a governmental entity to delay approval or denial by an additional period of time as [specified] described in Subsection [(7)] (8) if the governmental entity determines that, due to the [extraordinary circumstances it] exceptional circumstances, the governmental entity cannot respond within the time [limits provided in Subsection (4)] described in Subsection (5):
- 1278 (a) another governmental entity is using the record, in which case the originating governmental entity shall promptly request that the governmental entity currently in possession return the record;
- 1281 (b) another governmental entity is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;
- 1283 (c)
- (i) the request is for a voluminous quantity of records or a record series containing a substantial number of records; or

1285

SB0163S03 compared with SB0163S04

- (ii) the requester seeks a substantial number of records or records series in requests filed within five working days of each other;
- 1287 (d) the governmental entity is currently processing a large number of records requests;
- 1288 (e) the request requires the governmental entity to review a large number of records to locate the records requested;
- 1290 (f) the decision to release a record involves legal issues that require the governmental entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
- 1293 (g) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive time or editing; or
- 1295 (h) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
- 1297 ~~[(7)]~~ (8) ~~[If one of the extraordinary circumstances listed]~~ If an exceptional circumstance described in Subsection ~~[(6)]~~ (7) precludes approval or denial within the time ~~[specified in Subsection (4)]~~ described in Subsection (5), the following time limits apply to the ~~[extraordinary circumstances]~~ exceptional circumstance:
- 1301 (a) for claims under Subsection ~~[(6)(a)]~~ (7)(a), the governmental entity currently in possession of the record shall return the record to the originating entity within five business days ~~[of]~~ after the day of the request for the return, unless returning the record would impair the ~~[holder's]~~ governmental entity's work;
- 1305 (b) for claims under Subsection ~~[(6)(b)]~~ (7)(b), the originating governmental entity shall notify the requester when the record is available for inspection and copying;
- 1307 (c) for claims under ~~[Subsections (6)(c), (d), and (e)]~~ Subsection (7)(c), (d), or (e), the governmental entity shall:
 - 1309 (i) disclose the records ~~[that it has located which]~~ the governmental entity locates that the requester is entitled to inspect;
 - 1311 (ii) provide the requester with ~~[an estimate of the amount of time it will take to finish the work required]~~ a time estimate that the governmental entity needs to respond to the request;
 - 1314 (iii) complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible; and
 - 1316 (iv) for ~~[any person]~~ a person that does not establish a right to an expedited response as ~~[authorized by]~~ described in Subsection (4), a governmental entity may~~[-choose to]~~:

SB0163S03 compared with SB0163S04

- 1319 (A) require the person to ~~[provide for copying of the records as provided]~~ copy the records as described
in Subsection 63G-2-201(10); or
- 1321 (B) ~~[treat a request for multiple records as separate record requests, and respond sequentially to each~~
~~request;]~~ treat a request for multiple records as multiple requests and respond to each request
sequentially and separately;
- 1324 (d) for claims under Subsection ~~[(6)(f)]~~ (7)(f), the governmental entity shall either approve or deny
the request within five business days after the ~~[response time specified for the original request has~~
~~expired]~~ day of the deadline described in Subsection (5);
- 1328 (e) for claims under Subsection ~~[(6)(g)]~~ (7)(g), the governmental entity shall, to the extent reasonably
possible, fulfill the request ~~[within 15]~~ no later than 20 business days ~~[from the date of the original~~
~~request]~~ after the day on which the governmental entity receives the request; or
- 1332 (f) for claims under Subsection ~~[(6)(h)]~~ (7)(h), the governmental entity shall complete ~~[its]~~ the
necessary computer programming and disclose the requested records as soon as reasonably possible
and no later than 12 months from the day the governmental entity receives the request.
- 1336 ~~[(8)]~~ (9)
- (a) ~~[If a request for access is submitted to]~~ If an office of a governmental entity, other than that
specified by rule in accordance with Subsection (3), ~~receives a record request,~~ the office shall
promptly forward the request to the appropriate office.
- 1339 (b) If the request is forwarded promptly, the time limit for response begins when the request is received
by the office specified by rule.
- 1341 ~~[(9)]~~ (10) ~~[If the governmental entity fails to provide the requested records or issue a denial within the~~
~~specified time period, that failure is considered the equivalent of a determination denying access~~
~~to the record.]~~ If a governmental entity fails to respond to a record request within the time allowed
under this section, the failure to respond is considered an access denial, as defined in Section
63G-2-400.5.
- 1351 Section 10. Section **63G-2-301** is amended to read:
- 1352 **63G-2-301. Public records.**
- 1348 (1) As used in this section:
- 1349 (a) "Business address" means a single address of a governmental agency designated for the public to
contact an employee or officer of the governmental agency.

1351

SB0163S03 compared with SB0163S04

- (b) "Business email address" means a single email address of a governmental agency designated for the public to contact an employee or officer of the governmental agency.
- 1354 (c) "Business telephone number" means a single telephone number of a governmental agency designated for the public to contact an employee or officer of the governmental agency.
- 1357 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 1358 (2) The following records are public except to the extent they contain information expressly permitted to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):
- 1361 (a) laws;
- 1362 (b) the name, gender, gross compensation, job title, job description, business address, business email address, business telephone number, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualifications of a current or former employee or officer of the governmental entity, excluding:
- 1367 (i) undercover law enforcement personnel; and
- 1368 (ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
- 1370 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;
- 1375 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18);
- 1377 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;
- 1381 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;
- 1383 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:

SB0163S03 compared with SB0163S04

- 1388 (i) titles or encumbrances to real property;
- 1389 (ii) restrictions on the use of real property;
- 1390 (iii) the capacity of persons to take or convey title to real property; or
- 1391 (iv) tax status for real and personal property;
- 1392 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and
uniform commercial code filings;
- 1394 (i) data on individuals that would otherwise be private under this chapter if the individual who is the
subject of the record has given the governmental entity written permission to make the records
available to the public;
- 1397 (j) documentation of the compensation that a governmental entity pays to a contractor or private
provider;
- 1399 (k) summary data;
- 1400 (l) voter registration records, including an individual's voting history, except for a voter registration
record or those parts of a voter registration record that are classified as private under Subsections
63G-2-302(1)(j) through (m) or withheld under Subsection 20A-2-104(7);
- 1404 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email
address, if available, where that elected official may be reached as required in Title 11, Chapter 47,
Access to Elected Officials;
- 1407 (n) for a school community council member, a telephone number, if available, and email address, if
available, where that elected official may be reached directly as required in Section 53G-7-1203;
- 1410 (o) annual audited financial statements of the Utah Educational Savings Plan described in Section
53B-8a-111; and
- 1412 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section
20A-7-101, after the packet is submitted to a county clerk.
- 1414 (3) The following records are normally public, but to the extent that a record is expressly exempt
from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302,
63G-2-304, or 63G-2-305:
- 1417 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1418 (b) records documenting a contractor's or private provider's compliance with the terms of a contract
with a governmental entity;
- 1420

SB0163S03 compared with SB0163S04

- (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;
- 1422 (d) contracts entered into by a governmental entity;
- 1423 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- 1425 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);
- 1428 (g) subject to Subsection (5), chronological logs and initial contact reports;
- 1429 (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
- 1432 (i) empirical data contained in drafts if:
- 1433 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
- 1435 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
- 1437 (j) drafts that are circulated to anyone other than:
- 1438 (i) a governmental entity;
- 1439 (ii) a political subdivision;
- 1440 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
- 1443 (iv) a government-managed corporation; or
- 1444 (v) a contractor or private provider;
- 1445 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- 1447 (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- 1449 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
- 1451 (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
- 1453 (o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:

SB0163S03 compared with SB0163S04

- 1455 (i) the disciplinary action has been completed and all time periods for administrative appeal have
expired; and
- 1457 (ii) the charges on which the disciplinary action was based were sustained;
- 1458 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional
Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral
production on government lands;
- 1461 (q) final audit reports;
- 1462 (r) occupational and professional licenses;
- 1463 (s) business licenses;
- 1464 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to
initiate proceedings for discipline or sanctions against persons regulated by a governmental entity,
but not including records that initiate employee discipline; and
- 1468 (u)
- (i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a
correctional facility or the care and control of inmates committed to the custody of a correctional
facility; and
- 1471 (ii) records that disclose the results of an audit or other inspection assessing a correctional facility's
compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).
- 1474 (4) The list of public records in this section is not exhaustive and should not be used to limit access to
records.
- 1476 (5)
- (a) Subject to Subsection (5)(b), if information of the type described in Subsections 63G-2-103(16)(a)(i)
through (vi) appears in a follow-up or investigative report described in Subsection 63G-2-103(16)
(b), the information contained in the follow-up or investigative report is public, unless the
information is private, controlled, protected, or exempt from disclosure under Subsection
63G-2-201(3)(b).
- 1481 (b) If a follow-up or investigative report described in Subsection 63G-2-103(16)(b) is expressly exempt
from disclosure, the exemption and restriction of access described in Subsection (3) does not change
based on the follow-up or investigative report containing any information included in an initial
contact report that is a public record.
- 1490 Section 11. Section **63G-2-305** is amended to read:

SB0163S03 compared with SB0163S04

1491 **63G-2-305. Protected records.**

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

- 1488 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the
governmental entity with the information specified in Section 63G-2-309;
- 1490 (2) commercial information or nonindividual financial information obtained from a person if:
- 1492 (a) disclosure of the information could reasonably be expected to result in unfair competitive injury
to the person submitting the information or would impair the ability of the governmental entity to
obtain necessary information in the future;
- 1495 (b) the person submitting the information has a greater interest in prohibiting access than the public in
obtaining access; and
- 1497 (c) the person submitting the information has provided the governmental entity with the information
specified in Section 63G-2-309;
- 1499 (3) commercial or financial information acquired or prepared by a governmental entity to the extent that
disclosure would lead to financial speculations in currencies, securities, or commodities that will
interfere with a planned transaction by the governmental entity or cause substantial financial injury
to the governmental entity or state economy;
- 1503 (4) records, the disclosure of which could cause commercial injury to, or confer a competitive
advantage upon a potential or actual competitor of, a commercial project entity as defined in
Subsection 11-13-103(4);
- 1506 (5) test questions and answers to be used in future license, certification, registration, employment, or
academic examinations;
- 1508 (6) records, the disclosure of which would impair governmental procurement proceedings or give an
unfair advantage to any person proposing to enter into a contract or agreement with a governmental
entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right
of a person to have access to, after the contract or grant has been awarded and signed by all parties:
- 1513 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in
response to:
- 1515 (i) an invitation for bids;
- 1516 (ii) a request for proposals;
- 1517 (iii) a request for quotes;
- 1518 (iv) a grant; or

SB0163S03 compared with SB0163S04

- 1519 (v) other similar document; or
- 1520 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 1521 (7) information submitted to or by a governmental entity in response to a request for information,
except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a
person to have access to the information, after:
- 1524 (a) a contract directly relating to the subject of the request for information has been awarded and signed
by all parties; or
- 1526 (b)
- (i) a final determination is made not to enter into a contract that relates to the subject of the request for
information; and
- 1528 (ii) at least two years have passed after the day on which the request for information is issued;
- 1530 (8) records that would identify real property or the appraisal or estimated value of real or personal
property, including intellectual property, under consideration for public acquisition before any rights
to the property are acquired unless:
- 1533 (a) public interest in obtaining access to the information is greater than or equal to the governmental
entity's need to acquire the property on the best terms possible;
- 1535 (b) the information has already been disclosed to persons not employed by or under a duty of
confidentiality to the entity;
- 1537 (c) in the case of records that would identify property, potential sellers of the described property have
already learned of the governmental entity's plans to acquire the property;
- 1540 (d) in the case of records that would identify the appraisal or estimated value of property, the potential
sellers have already learned of the governmental entity's estimated value of the property; or
- 1543 (e) the property under consideration for public acquisition is a single family residence and the
governmental entity seeking to acquire the property has initiated negotiations to acquire the property
as required under Section 78B-6-505;
- 1546 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction
of real or personal property including intellectual property, which, if disclosed prior to completion
of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
- 1550 (a) the public interest in access is greater than or equal to the interests in restricting access, including the
governmental entity's interest in maximizing the financial benefit of the transaction; or
- 1553

SB0163S03 compared with SB0163S04

- (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- 1556 (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit
purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
- 1559 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline,
licensing, certification, or registration purposes;
- 1561 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- 1563 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- 1565 (d) reasonably could be expected to disclose the identity of a source who is not generally known outside
of government and, in the case of a record compiled in the course of an investigation, disclose
information furnished by a source not generally known outside of government if disclosure would
compromise the source; or
- 1569 (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or
orders not generally known outside of government if disclosure would interfere with enforcement or
audit efforts;
- 1572 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 1573 (12) records the disclosure of which would jeopardize the security of governmental property,
governmental programs, or governmental recordkeeping systems from damage, theft, or other
appropriation or use contrary to law or public policy;
- 1576 (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or
records relating to incarceration, treatment, probation, or parole, that would interfere with the
control and supervision of an offender's incarceration, treatment, probation, or parole;
- 1580 (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and
Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons
and Parole, or the Department of Health and Human Services that are based on the employee's or
contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- 1585 (15) records and audit workpapers that identify audit, collection, and operational procedures and
methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- 1588 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit
is released;

SB0163S03 compared with SB0163S04

- 1590 (17) records that are subject to the attorney client privilege;
- 1591 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or
agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or
administrative proceeding;
- 1594 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the
Legislature; and
- 1596 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or
policy may not be classified as protected under this section; and
- 1599 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation
of legislation between:
- 1601 (A) members of a legislative body;
- 1602 (B) a member of a legislative body and a member of the legislative body's staff; or
- 1603 (C) members of a legislative body's staff; and
- 1604 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or
policy may not be classified as protected under this section;
- 1606 (20)
- (a) records in the custody or control of the Office of Legislative Research and General Counsel, that,
if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course
of action before the legislator has elected to support the legislation or course of action, or made the
legislation or course of action public; and
- 1611 (b) notwithstanding Subsection (20)(a), the ~~[form to request legislation]~~ following information included
in a request for legislation submitted to the Office of Legislative Research and General Counsel is ~~[a~~
~~public document]~~ public, unless a legislator ~~[asks that the records requesting the legislation]~~ requests
that the information be maintained as a protected ~~[records until such time as]~~ record, until the
legislator elects to make the legislation or course of action public[;] :
- 1617 (i) the short title of the legislation; and
- 1618 (ii) the name of the legislator;
- 1619

SB0163S03 compared with SB0163S04

(21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;

1621 (22) drafts, unless otherwise classified as public;

1622 (23) records concerning a governmental entity's strategy about:

1623 (a) collective bargaining; or

1624 (b) imminent or pending litigation;

1625 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

1628 (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

1631 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

1634 (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

1636 (28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

1642 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

1646 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

1649

SB0163S03 compared with SB0163S04

- (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- 1653 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- 1655 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- 1658 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- 1661 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- 1666 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- 1669 (37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
- 1673 (a) the donor requests anonymity in writing;
- 1674 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and
- 1676 (c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;
- 1681 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

SB0163S03 compared with SB0163S04

- 1682 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
1684 (40)
- (a) the following records of an institution within the state system of higher education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:
- 1687 (i) unpublished lecture notes;
1688 (ii) unpublished notes, data, and information:
- 1689 (A) relating to research; and
1690 (B) of:
- 1691 (I) the institution within the state system of higher education defined in Section 53B-1-102; or
1693 (II) a sponsor of sponsored research;
- 1694 (iii) unpublished manuscripts;
1695 (iv) creative works in process;
1696 (v) scholarly correspondence; and
1697 (vi) confidential information contained in research proposals;
- 1698 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 1700 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 1701 (41)
- (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a ~~particular~~ legislator who requests a legislative audit prior to the date that audit is completed and made public; and
- 1704 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a ~~particular~~ legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;
- 1710 (42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
- 1712 (a) a production facility; or
1713 (b) a magazine;

SB0163S03 compared with SB0163S04

- 1714 (43) information contained in the statewide database of the Division of Aging and Adult Services
created by Section 26B-6-210;
- 1716 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child
Welfare Services;
- 1718 (45) information regarding National Guard operations or activities in support of the National Guard's
federal mission;
- 1720 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the
central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise,
and Catalytic Converter Transaction Information Act;
- 1723 (47) information regarding food security, risk, and vulnerability assessments performed by the
Department of Agriculture and Food;
- 1725 (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106,
records related to an emergency plan or program, a copy of which is provided to or prepared
or maintained by the Division of Emergency Management, and the disclosure of which would
jeopardize:
- 1729 (a) the safety of the general public; or
- 1730 (b) the security of:
- 1731 (i) governmental property;
- 1732 (ii) governmental programs; or
- 1733 (iii) the property of a private person who provides the Division of Emergency Management
information;
- 1735 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or
control of livestock diseases, including any program established under Title 4, Chapter 24, Utah
Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;
- 1739 (50) as provided in Section 26B-2-709:
- 1740 (a) information or records held by the Department of Health and Human Services related to a complaint
regarding a provider, program, or facility which the department is unable to substantiate; and
- 1743 (b) information or records related to a complaint received by the Department of Health and Human
Services from an anonymous complainant regarding a provider, program, or facility;
- 1746

SB0163S03 compared with SB0163S04

- (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:
- 1749 (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and
- 1751 (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:
- 1753 (i) the nature of the law, ordinance, rule, or order; and
- 1754 (ii) the individual complying with the law, ordinance, rule, or order;
- 1755 (52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:
- 1758 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 1761 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 1762 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 1763 (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:
- 1765 (a) conducted within the state system of higher education, as defined in Section 53B-1-102; and
- 1767 (b) conducted using animals;
- 1768 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation to whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 1772 (55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- 1776 (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;
- 1779 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;

SB0163S03 compared with SB0163S04

- 1780 (58) in accordance with Section 73-10-33:
- 1781 (a) a management plan for a water conveyance facility in the possession of the Division of Water
Resources or the Board of Water Resources; or
- 1783 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 1785 (59) the following records in the custody or control of the Office of Inspector General of Medicaid
Services, created in Section 63A-13-201:
- 1787 (a) records that would disclose information relating to allegations of personal misconduct, gross
mismanagement, or illegal activity of a person if the information or allegation cannot be
corroborated by the Office of Inspector General of Medicaid Services through other documents or
evidence, and the records relating to the allegation are not relied upon by the Office of Inspector
General of Medicaid Services in preparing a final investigation report or final audit report;
- 1793 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during
the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste,
or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws
of this state, a political subdivision of the state, or any recognized entity of the United States, if the
information was disclosed on the condition that the identity of the person be protected;
- 1800 (c) before the time that an investigation or audit is completed and the final investigation or final audit
report is released, records or drafts circulated to a person who is not an employee or head of a
governmental entity for the person's response or information;
- 1803 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit
program; or
- 1805 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or
audit;
- 1807 (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the
fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or
abuse;
- 1810 (61) information provided to the Department of Health and Human Services or the Division of
Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and
(4);
- 1813 (62) a record described in Section 63G-12-210;
- 1814

SB0163S03 compared with SB0163S04

(63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

1816 (64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

1821 (a) depict the commission of an alleged crime;

1822 (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

1824 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

1826 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or

1828 (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

1830 (65) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist;

1833 (66) an audio recording that is:

1834 (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

1837 (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:

1840 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and

1842 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and

1844 (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;

1846 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;

SB0163S03 compared with SB0163S04

- 1850 (68) work papers as defined in Section 31A-2-204;
- 1851 (69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;
- 1853 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 1855 (71) a record described in Section 31A-37-503;
- 1856 (72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 1858 (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- 1860 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- 1863 (a) Title 10, Utah Municipal Code;
- 1864 (b) Title 17, Counties;
- 1865 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 1866 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 1867 (e) Title 20A, Election Code;
- 1868 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- 1870 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 1873 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- 1875 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 1876 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- 1878 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 1880 (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;
- 1882 (b) a law enforcement agency releases or disseminates the image;

SB0163S03 compared with SB0163S04

- 1883 (i) after determining that the individual is a fugitive or an imminent threat to an individual or to
public safety and releasing or disseminating the image will assist in apprehending the individual or
reducing or eliminating the threat; or
- 1886 (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal
investigation or criminal proceeding for the purpose of identifying or locating an individual in
connection with the criminal investigation or criminal proceeding;
- 1890 (c) a judge orders the release or dissemination of the image based on a finding that the release or
dissemination is in furtherance of a legitimate law enforcement interest; or
- 1892 (d) the image is displayed to a person who is permitted to view the image under Section 17-22-30[-] ;
- 1894 (81) a record:
- 1895 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 1896 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative
from another state or the federal government as provided in Section 63M-14-205; and
- 1899 (c) the disclosure of which would:
- 1900 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River
system;
- 1902 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best
terms and conditions regarding the use of water in the Colorado River system; or
- 1905 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of
water in the Colorado River system;
- 1907 (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic
Opportunity determines is nonpublic, confidential information that if disclosed would result in
actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to
a record evidencing a final contract or approval decision;
- 1912 (83) the following records of a drinking water or wastewater facility:
- 1913 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 1915 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or
wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);
- 1918 (84) a statement that an employee of a governmental entity provides to the governmental entity as part
of the governmental entity's personnel or administrative investigation into potential misconduct
involving the employee if the governmental entity:

SB0163S03 compared with SB0163S04

- 1921 (a) requires the statement under threat of employment disciplinary action, including possible
1924 termination of employment, for the employee's refusal to provide the statement; and
- 1926 (b) provides the employee assurance that the statement cannot be used against the employee in any
1929 criminal proceeding;
- 1930 (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402
1931 or other information identifying a scholarship student as defined in Section 53F-6-401;
- 1934 (86) a record:
- 1935 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 1937 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning
1939 the claim, including a representative from another state or the federal government; and
- 1941 (c) the disclosure of which would:
- 1943 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 1944 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions
1945 regarding the use of water in the Great Salt Lake; or
- 1949 (iii) give an advantage to another person including another state or to the federal government in
1950 negotiations regarding the use of water in the Great Salt Lake;[~~and~~]
- 1951 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified
1953 as public as described in Subsection 13-2-11(4)[~~;~~] ; and
- 1960 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 1961 (a) concerning a claim to the use of waters;
- (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative
from another state, a tribe, the federal government, or other government entity as provided in Title
73, Chapter 10g, Part 6, Utah Water Agent; and
- (c) the disclosure of which would:
- (i) reveal a legal strategy relating to the state's claim to the use of the water;
- (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use
of water; or
- (iii) give an advantage to another state, a tribe, the federal government, or other government entity in
negotiations regarding the use of water.
- Section 12. Section **63G-2-400.5** is amended to read:
- 63G-2-400.5. Definitions.**

SB0163S03 compared with SB0163S04

As used in this part:

- 1958 (1) "Access denial" means a governmental entity's denial, under Subsection
[63G-2-204(9)] 63G-2-204(10) or Section 63G-2-205, in whole or in part, of a record request.
- 1960 [(2) "Appellate affirmation" means a decision of a chief administrative officer, local appeals board, or
State Records Committee affirming an access denial.]
- 1962 [(3)] (2) "Interested party" means a person, other than a requester, who is aggrieved by an access denial
or [an appellate] a respondent affirmation, regardless of whether [or not] the person participated in
proceedings leading to the access denial or [appellate] respondent affirmation.
- 1966 [(4)] (3) "Local appeals board" means an appeals board established by a political subdivision under
Subsection 63G-2-701(5)(c).
- 1968 [(5)] (4) "Record request" means a [request for a] record request under Section 63G-2-204.
- 1969 [(6)] (5) "Records committee [appellant] petitioner" means:
- 1970 (a) a political subdivision that seeks to appeal [a decision of] a local appeals board decision to the State
Records Committee; or
- 1972 (b) a requester or interested party who seeks to appeal [to the State Records Committee a decision
affirming an access denial] an access denial to the State Records Committee.
- 1974 [(7)] (6) "Requester" means a person who submits a record request to a governmental entity.
- 1975 (7) "Respondent affirmation" means a decision of a chief administrative officer, local appeals board, or
State Records Committee affirming an access denial.
- 1982 Section 13. Section **63G-2-401** is amended to read:
- 1983 **63G-2-401. Appeal to chief administrative officer -- Notice of the decision of the appeal.**
- 1980 (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) to the chief administrative officer of the governmental entity by filing a
notice of appeal with the chief administrative officer within 30 days after:
- 1984 (i) for an access denial:
- 1985 (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
- 1988 (B) the record request is considered denied under Subsection [63G-2-204(9)] 63G-2-204(10), if that
subsection applies; or

1990

SB0163S03 compared with SB0163S04

- (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester that the fee waiver is denied.
- 1992 (b) If a governmental entity claims [~~extraordinary~~] exceptional circumstances and specifies the date when the records will be available under Subsection 63G-2-204(4), and, if the requester believes the [~~extraordinary~~] exceptional circumstances do not exist or that the date specified is unreasonable, the requester may appeal the governmental entity's claim of [~~extraordinary~~] exceptional 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~~] exceptional circumstances by the governmental entity, despite the lack of a "determination" or its equivalent under Subsection [~~63G-2-204(9)~~] 63G-2-204(10).
- 2001 (2) A notice of appeal shall contain:
- 2002 (a) the name, mailing address, and daytime telephone number of the requester or interested party; and
- 2004 (b) the relief sought.
- 2005 (3) The requester or interested party may file a short statement of facts, reasons, and legal authority in support of the appeal.
- 2007 (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:
- 2009 (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
- 2013 (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.
- 2016 (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.
- 2019 (5)
- (a) The chief administrative officer shall make a decision on the appeal within:
- 2020 (i)
- (A) 10 business days after the chief administrative officer's receipt of the notice of appeal; or
- 2022

SB0163S03 compared with SB0163S04

- (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
- 2025 (ii) 12 business days after the governmental entity sends the notice of appeal to a person who submitted a claim of business confidentiality.
- 2027 (b)
- (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.
- 2030 (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]~~ exceptional circumstances or the reasonableness of the date specified when the records will be available.
- 2035 (c) ~~[The provisions of this section notwithstanding]~~ Notwithstanding any other provision of this section, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.
- 2038 (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]~~ related to the classification and disclosure or nondisclosure of a record, 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.
- 2044 (7)
- (a) The governmental entity shall ~~[send]~~ provide written notice of the chief administrative officer's decision to all participants.
- 2046 (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:
- 2049 (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;
- 2052 (ii) a statement that the requester or interested party has the right to appeal the decision, as provided in Section 63G-2-402, to:

SB0163S03 compared with SB0163S04

- 2054 (A) the State Records Committee or district court; or
- 2055 (B) the local appeals board, if the governmental entity is a political subdivision and the governmental entity has established a local appeals board;
- 2057 (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
- 2061 (iv) the name and business address of:
- 2062 (A) the executive secretary of the State Records Committee;
- 2063 (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
- 2066 (C) the government records ombudsman.
- 2067 ~~[(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.]~~
- 2073 ~~[(9)]~~ (8)
- (a) Except as provided in Subsection (8)(b), an interested party who is aggrieved by a governmental entity's record classification or designation under this chapter may appeal the governmental entity's determination as provided in this section.
- 2076 (b) If a governmental entity receives a notice of appeal as described in Subsection (8)(a), and the interested party is the only petitioner, the chief administrative officer shall respond no later than 30 days after the day on which the chief administrative officer receives notice of the appeal.
- 2080 (9) The duties of the chief administrative officer under this section may be delegated.
- 2087 Section 14. Section **63G-2-403** is amended to read:
- 2088 **63G-2-403. Appeals to the State Records Committee.**
- 2084 (1)
- (a) A records committee ~~[appellant]~~ petitioner 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.

SB0163S03 compared with SB0163S04

- 2088 (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:
- 2091 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and
- 2092 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.
- 2093 (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:
- 2095 (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
- 2098 (ii) ends the earlier of the following dates:
- 2099 (A) the date that the government records ombudsman certifies in writing that the mediation is
concluded; or
- 2101 (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.
- 2104 (2) The notice of appeal shall:
- 2105 (a) contain the name, mailing address, and daytime telephone number of the records committee
[appellant] petitioner;
- 2107 (b) be accompanied by a copy of the decision being appealed; and
- 2108 (c) state the relief sought.
- 2109 (3) The records committee [appellant] petitioner:
- 2110 (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:
- 2112 (i) the governmental entity whose access denial or fee waiver denial is the subject of the appeal, if the
records committee appellant is a requester or interested party; or
- 2114 (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
- 2117 (b) may file a short statement of facts, reasons, and legal authority in support of the appeal.
- 2119 (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] the day on which the

SB0163S03 compared with SB0163S04

executive secretary of the State Records Committee receives a notice of appeal, the executive secretary shall:

- 2123 (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]~~ later than 90 calendar days after the ~~[date]~~ day on which the notice of
appeal was filed, except that the committee may schedule an expedited hearing upon application
of the records committee ~~[appellant]~~ petitioner and for good cause shown;
- 2129 (ii) send a copy of the notice of hearing to the records committee ~~[appellant]~~ petitioner; and
- 2131 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing to:
- 2133 (A) each member of the State Records Committee;
- 2134 (B) the records officer and the chief administrative officer of the governmental entity whose access
denial is the subject of the appeal, if the records committee ~~[appellant]~~ petitioner is a requester or
interested party; and
- 2137 ~~[(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]~~
- 2139 ~~[(D)]~~ (C) ~~[all persons]~~ any person 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.
- 2142 (b)
- ~~[(i)]~~ The executive secretary, with approval of the State Records Committee chair, 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] is substantially similar to an appeal previously decided
by the State Records Committee.
- 2148 (c) If, in accordance with Subsection (4)(b), the executive secretary declines to schedule a hearing, the
State Records Committee members may vote at the next regular meeting to:
- 2151 (i) render a decision and enter an order consistent with the previous decision; and
- 2152 (ii) provide the parties with notice of:
- 2153 (A) the decision and order; and
- 2154 (B) the right to appeal the decision and order, as described in Subsection (15).
- 2155 ~~[(ii)]~~ (iii)

SB0163S03 compared with SB0163S04

- (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~~] petitioner indicating that the request for hearing has been denied and the reason for the denial.
- 2159 (B) The State Records Committee shall make rules to implement the procedures described in this section [~~as provided by~~] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2162 [(e)] (d) 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~~] the committee meeting is the first regularly scheduled State Records Committee meeting at which there are fewer than 10 appeals scheduled to be heard.
- 2167 (5)
- (a) No later than five business days before the day of the hearing, [~~a governmental entity shall submit to the executive secretary of the State Records Committee~~] each party shall provide the executive secretary with a written statement of facts, reasons, and legal authority in support of the [~~governmental entity's~~] party's position.
- 2171 (b) [~~The governmental entity shall send a copy of the written statement by first class mail, postage prepaid, to the requester or interested~~] Each party shall send a copy of the party's written statement to each other party involved in the appeal, by email, on the same day on which the party complies with Subsection (5)(a). [~~The executive secretary shall forward a copy of the written statement to each member of the State Records Committee.~~]
- 2177 (6)
- (a) No later than [~~10~~] 15 business days [~~after the day on which the executive secretary sends the notice of appeal~~] before the day of the hearing, a person whose legal interests may be substantially affected by the proceeding may file a request for intervention with the State Records Committee.
- 2181 (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.
- 2183 (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.
- 2186 (7) The State Records Committee shall hold a hearing within the period of time described in Subsection (4).

SB0163S03 compared with SB0163S04

- 2188 (8)
- (a) At the hearing, the State Records Committee shall allow the parties to testify, present evidence, and comment on the issues.
- 2190 (b) The committee may allow other interested persons to comment on the issues.
- 2191 (9)
- (a)
- (i) The State Records Committee:
- 2192 (A) may review the disputed records; and
- 2193 (B) shall review the disputed records, if the committee is weighing the various interests under Subsection (11).
- 2195 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.
- 2196 (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]~~ under this chapter.
- 2199 (10)
- (a) ~~[Discovery is prohibited, but the]~~ The State Records Committee may issue subpoenas or other orders to compel production of necessary evidence.
- 2201 (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.
- 2204 (c)
- (i) The State Records Committee's review shall be de novo, if the appeal is an appeal from a decision of a chief administrative officer:
- 2206 (A) issued under Section 63G-2-401; or
- 2207 (B) issued by a chief administrative officer of a political subdivision that has not established a local appeals board.
- 2209 (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.
- 2211 (11)
- (a) No later than seven business days after the day of the hearing, the State Records Committee shall issue a signed order:
- 2213 (i) granting the relief sought, in whole or in part; or

SB0163S03 compared with SB0163S04

- 2214 (ii) upholding the governmental entity's access denial, in whole or in part.
- 2215 (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~~] relating to the classification and disclosure or nondisclosure of a record, 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.
- 2221 (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:
- 2224 (i) privacy interests in the case of a private or controlled record;
- 2225 (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
- 2227 (iii) privacy interests or the public interest in the case of other protected records.
- 2228 (12) The order of the State Records Committee shall include:
- 2229 (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;
- 2233 (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);
- 2237 (c) a statement that any party to the proceeding before the State Records Committee may appeal the committee's decision to district court; and
- 2239 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a notice that in order to protect [~~its~~] a party's rights on appeal, the party may wish to seek advice from an attorney.
- 2242 (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 appellant shall notify the State Records Committee in writing if the records committee appellant considers the appeal denied.
- 2246 (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.

SB0163S03 compared with SB0163S04

2249 (15)

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

2252 ~~[(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.]~~

2254 ~~[(e)]~~ (b) If the State Records Committee orders the governmental entity to produce a record and no appeal is timely filed, or if, as a result of the appeal, the governmental entity is required to produce a record, the governmental entity shall:

2257 (i) produce the record; and

2258 (ii) file a notice of compliance with the committee.

2259 ~~[(d)]~~ (c)

(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]~~ to timely file an appeal, the State Records Committee may ~~[-do either or both of the following]:~~

2262 (A) impose a civil penalty of up to \$500 for each day of continuing noncompliance; or

2264 (B) send written notice of the governmental entity's noncompliance to the governor.

2266 (ii) In imposing a civil penalty under Subsection (15)(c)(i)(A), 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.

2269 (16)

(a) The executive secretary may decline to schedule a hearing regarding a disputed fee, fee amount, or fee waiver if the executive secretary and the committee chair agree that the petition for hearing is without merit.

2272 (b) At the chair's direction, the executive secretary may request that the governmental entity provide information regarding how the fee was calculated.

2274 (17)

(a) If the executive secretary declines to schedule a hearing under Subsection (16)(a), the executive secretary shall send a notice to the parties indicating:

2276 (i) that the request for a hearing has been denied; and

2277 (ii) whether the petition is granted or denied.

2278 (b) The committee shall:

SB0163S03 compared with SB0163S04

- 2279 (i) vote at the next regular meeting to accept or reject the recommendation to respond to the petition
without a hearing; and
- 2281 (ii) issue an order that includes the reasons for the committee's decision to accept or reject the
recommendation.
- 2288 Section 15. Section **63G-2-501** is amended to read:
- 2289 **63G-2-501. State Records Committee created -- Membership -- Terms -- Vacancies --**
Expenses.
- 2286 (1) [~~There is created the State Records Committee within the Department of Government Operations~~
~~consisting of the following seven individuals~~] The State Records Committee is created within the
Department of Government Operations and consists of the following seven individuals:
- 2290 (a) an individual [~~in the private sector~~] whose profession requires the individual to [~~create or~~] manage
records[~~that, if created by a governmental entity, would be private or controlled~~];
- 2293 (b) an individual with experience with [~~electronic records and databases, as recommended by a~~
~~statewide technology advocacy organization that represents the public, private, and nonprofit~~
~~sectors~~] databases or data management;
- 2296 (c) the director of the Division of Archives and Records Services or the director's designee;
- 2298 (d) [~~two citizen members~~] one citizen member;
- 2299 (e) one [~~person~~] individual representing political subdivisions, as recommended by the Utah League of
Cities and Towns;[~~and~~]
- 2301 (f) one individual representing the news media[~~-~~] ; and
- 2302 (g) one individual with professional experience in law enforcement.
- 2303 (2) The governor shall appoint or reappoint the members described in [~~Subsections (1)(a), (b), (d), (e),~~
~~and (f)~~] Subsection (1) with the advice and consent of the Senate in accordance with Chapter 24,
Part 2, Vacancies.
- 2306 (3)
- (a) Except as provided in Subsection (3)(b), the governor shall appoint each member to a four-year
term.
- 2308 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment or reappointment,
adjust the length of terms to ensure that the terms of committee members are staggered so that
approximately half of the committee is appointed every two years.
- 2312 (c) Each appointed member is eligible for reappointment for one additional term.

SB0163S03 compared with SB0163S04

- 2313 (4) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and
consent of the Senate in accordance with Chapter 24, Part 2, Vacancies, appoint a replacement for
the unexpired term.
- 2316 (5) A member of the State Records Committee may not receive compensation or benefits for the
member's service on the committee, but may receive per diem and travel expenses in accordance
with:
- 2319 (a) Section 63A-3-106;
- 2320 (b) Section 63A-3-107; and
- 2321 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 2322 (6) A member described in [~~Subsection (1)(a), (b), (d), (e), or (f)~~] Subsection (1) shall comply with the
conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.
- 2330 Section 16. Section **63G-2-502** is amended to read:
- 2331 **63G-2-502. State Records Committee -- Duties.**
- 2327 (1) The State Records Committee shall:
- 2328 (a) hear appeals from determinations of access under Section 63G-2-403;
- 2329 (b) hear appeals regarding disputed fees under Section 63G-2-203;
- 2330 [~~(b)~~] (c) determine disputes submitted by the state auditor under Subsection 67-3-1(17)(d); and
- 2332 [~~(e)~~] (d) appoint a chair from among the committee's members.
- 2333 (2) The State Records Committee may:
- 2334 (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
govern the committee's proceedings; and
- 2336 (b) by order, after notice and hearing, reassign classification and designation for any record series by
a governmental entity if the governmental entity's classification or designation is inconsistent with
this chapter.
- 2339 (3)
- (a) The State Records Committee shall annually appoint an executive secretary to provide
administrative support to the committee.
- 2341 (b) The executive secretary is not a voting member of the committee.
- 2342 (4) [~~Five~~] Four members of the State Records Committee are a quorum for the transaction of business.
- 2344 (5) The state archives shall provide staff and support services for the State Records Committee.
- 2346 (6)

SB0163S03 compared with SB0163S04

(a) If the State Records Committee reassigns the classification or designation of a record or record series under Subsection (2)(b), any affected governmental entity or any other interested [person] party may appeal the reclassification or redesignation to the district court.

(b) The district court shall hear the matter de novo.

(7) The Office of the Attorney General shall provide counsel to the State Records Committee.

Section 17. Section **63G-2-604** is amended to read:

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

(1)

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

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

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

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

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

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

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

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

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

Section 18. Section **18** is enacted to read:

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

A governmental entity shall comply with the applicable employee education

SB0163S03 compared with SB0163S04

requirements described in Section 63A-12-117.

2386 Section 19. Section **63G-2-701** is amended to read:

2387 **63G-2-701. Political subdivisions may adopt ordinances in compliance with chapter --**
Appeal process.

2384 (1) As used in this section:

2385 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.

2386 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.

2387 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

2388 (2)

(a) Each political subdivision may adopt an ordinance or a policy ~~[applicable throughout its jurisdiction]~~ within the political subdivision's jurisdiction relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records.

2392 (b) The ordinance or policy shall:

2393 (i) comply with the criteria [set forth] described in this section[-];

2394 (ii) provide guidance to staff and elected officials regarding the use of a personal device or account when conducting government business;

2396 (iii) assign records management staff specific responsibilities related to records management; and

2398 (iv) be approved by the political subdivision's governing body.

2399 (c) A political subdivision shall:

2400 (i) regularly train staff and elected officials on the records retention ordinance or policy; and

2402 (ii) implement a process to monitor and encourage compliance with the ordinance or policy by staff and elected officials.

2404 ~~[(e)] (d) [If any] A political subdivision that does not adopt and maintain an ordinance or policy[, then that political subdivision]~~ is subject to this chapter.

2406 ~~[(d)] (e)~~ 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.

2410 ~~[(e)] (f) [Every]~~ A political subdivision shall file the political subdivision's ordinance, policy, [or] and each amendment to the ordinance or policy [shall be filed -] with [the -] state archives no later than 30 days after [its] the effective date of the ordinance, policy, or amendment.

SB0163S03 compared with SB0163S04

- 2414 ~~[(f)]~~ (g) The political subdivision shall ~~[also report to the state archives]~~ provide to state archives all retention schedules~~;~~ and all designations and classifications applied to a record series ~~[maintained by]~~ that the political subdivision maintains.
- 2417 ~~[(g)]~~ (h)
- (i) ~~[The report required by Subsection (2)(f) is notification to state archives of the political subdivision's retention schedules, designations, and classifications. The report]~~ The information provided under Subsection (2)(g) is not subject to approval by state archives.
- 2421 (ii) 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).
- 2425 (3) Each political subdivision's ordinance or policy relating to information practices shall:
- 2426 (a) provide standards for ~~[the]~~ record classification and designation ~~[of the records of the political subdivision]~~ as public, private, controlled, or protected in accordance with Part 3, Classification;
- 2429 (b) require ~~[the]~~ record classification ~~[of the records of the political subdivision]~~ in accordance with [those] the standards described in Subsection (3)(a);
- 2431 (c) provide guidelines for ~~[establishment of]~~ establishing fees in accordance with Section 63G-2-203; and
- 2433 (d) provide management and retention standards ~~[for the management and retention of the records of the political subdivision]~~ comparable to Section 63A-12-103.
- 2435 (4)
- (a) Each ordinance or policy shall establish:
- 2436 (i) access criteria, procedures, and response times for requests to inspect, obtain, or amend records~~[of the political subdivision,]~~ ; and
- 2438 (ii) time limits for appeals consistent with this chapter.
- 2439 (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]~~ In establishing response times for access requests and time limits for appeals, if a political subdivision determines that the political subdivision's resources are insufficient to meet the requirements under this chapter, the political subdivision may set reasonable time frames different than the time frames described in Section 63G-2-204 and Part 4, Appeals.

SB0163S03 compared with SB0163S04

- 2448 (5)
- (a) A political subdivision shall establish an appeals process for ~~[persons]~~ a person aggrieved by a classification, designation, or access ~~[decisions]~~ decision.
- 2450 (b) A political subdivision's appeals process shall include a process for a requester or interested party to appeal an access denial~~[to a person designated by the political subdivision as]~~ , as described in Section 63G-2-401, to the individual designated as the chief administrative officer~~[for purposes of an appeal under Section 63G-2-401]~~.
- 2454 (c)
- (i) A political subdivision may establish an appeals board to decide an appeal of a decision of the chief administrative officer affirming an access denial.
- 2456 (ii) An appeals board established by a political subdivision shall be composed of three members:
- 2458 (A) one of whom shall be an employee of the political subdivision; and
- 2459 (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.
- 2462 (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.
- 2464 (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.
- 2468 (d) A political subdivision that establishes an appeals board shall notify the executive secretary no later than 30 days after the day on which the political subdivision establishes the appeals board.
- 2471 (6)
- (a) A political subdivision or requester may appeal an appeals board decision:
- 2472 (i) to the State Records Committee, as provided in Section 63G-2-403; or
- 2473 (ii) by filing a petition for judicial review with the district court.
- 2474 (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.
- 2477 (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 State Records Committee decision~~[of the State Records Committee]~~.

SB0163S03 compared with SB0163S04

- 2480 (7) ~~[Any]~~ A political subdivision that adopts an ordinance or policy under Subsection ~~[(1)]~~ (2) shall forward~~[-to state archives]~~ a copy and summary description of the ordinance or policy to state archives.
- 2488 Section 20. Section **63G-2-801** is amended to read:
- 2489 **63G-2-801. Criminal penalties.**
- 2485 (1)
- (a) A public employee or other ~~[person]~~ individual who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled, or protected record knowing that the disclosure or use is prohibited under this chapter, ~~[is,-]~~except as provided in Subsection 53-5-708(1)(c), is guilty of a class B misdemeanor.
- 2490 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released private, controlled, or protected information in the reasonable belief that the use or disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property.
- 2495 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have lawfully been released to the recipient if it had been properly classified.
- 2497 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or other person disclosed, provided, or used the record based on a good faith belief that the disclosure, provision, or use was in accordance with the law.
- 2500 (2)
- (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which the person is not legally entitled is guilty of a class B misdemeanor.
- 2503 (b) No person shall be guilty under Subsection (2)(a) who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.
- 2506 (3)
- (a) A public employee who intentionally refuses to release a record, the disclosure of which the employee knows is required by law, is guilty of a class B misdemeanor.
- 2508

SB0163S03 compared with SB0163S04

(b) It is a defense to prosecution under Subsection (3)(a) that the public employee's failure to release the record was based on a good faith belief that the public employee was acting in accordance with the requirements of law.

2511 (c) A public employee who intentionally refuses to release a record, the disclosure of which the
employee knows is required by a final unappealed order from a [~~government~~] governmental entity,
the State Records Committee, or a court is guilty of a class B misdemeanor.

2515 (4)

(a) As used in this Subsection (4), "pending records request" means that:

2516 (i) a person has made a record request; and

2517 (ii) the governmental entity:

2518 (A) has not denied the record request, but has not yet provided all records requested;

2520 (B) has denied the record request, in whole or in part, and the deadline for appealing the denial has not
passed;

2522 (C) has denied the record request, in whole or in part, an appeal is filed in relation to the record request,
and the appeal has not become final; or

2524 (D) is subject to an order to provide a record and has not yet fully complied with the order.

2526 (b) It is unlawful for an individual to destroy or delete a record that the individual knows, or has reason
to know, may be responsive to a pending records request, with the intent of avoiding disclosure of
the record or information in the record.

2529 (c) Violation of Subsection (4)(b) is an infraction.

2535 Section 21. Section **77-27-5** is amended to read:

2536 **77-27-5. Board of Pardons and Parole authority.**

2532 (1)

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

2535 (b) The board shall determine by majority decision when and under what conditions an offender
committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of
the department, may:

2538 (i) be released upon parole;

2539 (ii) have a fine or forfeiture remitted;

SB0163S03 compared with SB0163S04

- 2540 (iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or
77-32b-106;
- 2542 (iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or
- 2544 (v) have the offender's sentence terminated.
- 2545 (c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)
(b).
- 2547 (d)
- (i) The board may sit together or in panels to conduct hearings.
- 2548 (ii) The chair shall appoint members to the panels in any combination and in accordance with rules
made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2551 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 2552 (iv) The chair of the board may designate the chair for any other panel.
- 2553 (e)
- (i) Except after a hearing before the board, or the board's appointed examiner, in an open session, the
board may not:
- 2555 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;
- 2557 (B) release the offender on parole; or
- 2558 (C) commute, pardon, or terminate an offender's sentence.
- 2559 (ii) An action taken under this Subsection (1) other than by a majority of the board shall be affirmed by
a majority of the board.
- 2561 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 2562 (2)
- (a) In the case of a hearing, timely prior notice of the time and location of the hearing shall be given to
the offender.
- 2564 (b) The county or district attorney's office responsible for prosecution of the case, the sentencing court,
and law enforcement officials responsible for the defendant's arrest and conviction shall be notified
of any board hearings through the board's website.
- 2567 (c) Whenever possible, the victim or the victim's representative, if designated, shall be notified
of original hearings and any hearing after that if notification is requested and current contact
information has been provided to the board.
- 2570 (d)

SB0163S03 compared with SB0163S04

- (i) Notice to the victim or the victim's representative shall include information provided in Section 77-27-9.5, and any related rules made by the board under that section.
- 2573 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are reasonable for the lay person to understand.
- 2575 (3)
- (a) A decision by the board is final and not subject for judicial review if the decision is regarding:
- 2577 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 2578 (ii) the modification of an offender's payment schedule for restitution; or
- 2579 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 2580 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's deliberative process.
- 2583 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xi)~~] 63G-2-103(28)(b)(xii), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 2586 (d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.
- 2588 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 2589 (4)
- (a) This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.
- 2592 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.
- 2594 (c) At the next session of the board, the board:
- 2595 (i) shall continue or terminate the respite or reprieve; or
- 2596 (ii) may commute the punishment or pardon the offense as provided.
- 2597 (d) In the case of conviction for treason, the governor may suspend execution of the sentence until the case is reported to the Legislature at the Legislature's next session.
- 2599 (e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.
- 2601 (5)

SB0163S03 compared with SB0163S04

- (a) In determining when, where, and under what conditions an offender serving a sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts receivable remitted, or have the offender's sentence commuted or terminated, the board shall:
- (i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;
- (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
- (iii) consider information provided by the department regarding an offender's individual case action plan; and
- (iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned.
- (b) The board shall determine whether to remit an offender's criminal accounts receivable under this Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
- (6) In determining whether parole may be terminated, the board shall consider:
- (a) the offense committed by the parolee; and
- (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- (7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- (8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.
- (9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:
- (a) correction of an order that has or will impact the board's jurisdiction; or
- (b) clarification regarding an order that may impact the board's jurisdiction.
- (10) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

Section 22. **Effective date.**

SB0163S03 compared with SB0163S04

Effective Date.

This bill takes effect on May 7, 2025.

2642

Section 23. **Coordinating S.B. 163 with S.B. 277.**

If S.B. 163, Government Records Amendments, and S.B. 277, Government Records Management Amendments, both pass and become law, the Legislature intends that on May 7, 2025, notwithstanding Section 30, Coordinating S.B. 277 with S.B. 163, in S.B. 277, Subsection 63G-2-403(7) be amended to read:

"(7) (a) The [State Records Committee]director shall hold a hearing within the period of time described in Subsection (4).

(b) In accordance with Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules requiring that a hearing under this section is open to the public in substantially the same manner as a meeting under Title 52, Chapter 4, Open and Public Meetings Act."

3-7-25 4:01 PM