

Stephanie Gricius proposes the following substitute bill:

**Government Records and Information Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: Calvin R. Musselman

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**LONG TITLE**

**General Description:**

This bill addresses access to, and disclosure of, certain government information and records.

**Highlighted Provisions:**

This bill:

- defines terms;
- amends provisions regarding the disclosure of voter history information;
- classifies as private a record or information regarding whether a voter returned a ballot with postage attached;
- prohibits a government officer from accessing or using government records or information in a manner that is not related to a duty of the government officer;
- prohibits a government officer from accessing or using government records or information for a primarily personal purpose, unless the government officer gains access to the records or information in the same manner as a member of the public;
- makes it a crime to intentionally violate the provisions described in the preceding paragraph; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248

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

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

29 **63G-2-302**, as last amended by Laws of Utah 2024, Chapter 234

30 **63G-2-801**, as last amended by Laws of Utah 2019, Chapter 254

31 ENACTS:

32 **63G-2-210**, Utah Code Annotated 1953

33

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

35 Section 1. Section **20A-5-410** is amended to read:

36 **20A-5-410 . Election officer to provide voting history information and status --**

37 **Restrictions.**

38 (1) As used in this section, "voting history record" means the following information [~~about~~  
39 ~~the existence and status of absentee ballot requests required by this section.~~] relating to a  
40 registered voter:

41 (a) the information in the voter's voter registration record, other than the information  
42 classified as private under Subsection 63G-2-302(1)(j);

43 (b) the voter's privacy status;

44 (c) the voter's status as active or inactive;

45 (d) the voter's voter identification number;

46 (e) the voter's federal information processing system code;

47 (f) the voter's precinct;

48 (g) each political district in which the voter is a resident;

49 (h) a list of elections in which the voter voted;

50 (i) whether the voter voted in person on election day;

51 (j) whether the voter voted in person before election day;

52 (k) whether the voter returned a mailed ballot;

53 (l) whether the voter's ballot was mailed to an alternate address; and

54 (m) the date on which the voter voted or on which the voter returned a mailed ballot.

55 (2)(a) Each election officer shall maintain, in the election officer's office, a voting  
56 history record of those voters registered to vote in the election officer's jurisdiction.

57 (b) [~~Except as it relates to a voter whose voter registration record is classified as private~~  
58 ~~under Subsection 63G-2-302(1)(k), the] The voting history record is a public record  
59 under Title 63G, Chapter 2, Government Records Access and Management Act[-] ,  
60 except:~~

61 (i) as it relates to a voter whose voter registration record is classified as private under  
62 Subsection 63G-2-302(1)(k) or (l); or

- 63           (ii) a record or information described in Subsection 63G-2-302(1)(n).
- 64   (3)(a) When an election officer reports voting history for an election, the election officer  
65       shall, for each voter whose voter registration is classified as private under Subsection  
66       20A-2-104(4)(h), report the following, for that election only, without disclosing the  
67       identity of the voter:
- 68           (i) for voting by mail, the information described in Subsection (4)(a);  
69           (ii) for early voting, the date the individual voted; and  
70           (iii) for voting on election day, the date the individual voted.
- 71   (b) In relation to the information of a voter whose voter registration is classified as  
72       private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a)  
73       may not disclose, by itself or in conjunction with any other public information, the  
74       identity or any other personal identifying information of the voter.
- 75   (4) ~~[The]~~ Subject to Subsection (5), the election officer shall ensure that the voting history  
76       record kept by the election officer for each voting precinct contains:
- 77       (a) for voting by mail:
- 78           (i) the date that the manual ballot was mailed to the voter; and  
79           (ii) the date that the voted manual ballot was received by the election officer;
- 80       (b) for early voting:
- 81           (i) the name and address of each individual who participated in early voting; and  
82           (ii) the date the individual voted; and
- 83       (c) for voting on election day, the name and address of each individual who voted on  
84       election day.
- 85   (5) Subsection (4) does not authorize the disclosure of the information described in  
86       Subsection (4) beyond the extent expressly provided in Subsections (2) and (3).
- 87   ~~[(5)]~~ (6)(a) Notwithstanding the time limits for response to a request for records under  
88       Section 63G-2-204 or the time limits for a request for records established in any  
89       ordinance, the election officer shall ensure that the information required ~~[by]~~ to be  
90       disclosed under this section is recorded and made available to the public no later than  
91       one business day after ~~[its receipt in the election officer's office]~~ the day on which the  
92       election officer receives the information.
- 93   (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements  
94       established in any ordinance, the election officer shall make copies of the voting  
95       history record available to the public, in accordance with this section, for the actual  
96       cost of production or copying.

97 Section 2. Section **63G-2-202** is amended to read:

98 **63G-2-202 . Access to private, controlled, and protected documents.**

99 (1) Except as provided in Subsection (11)(a), a governmental entity:

100 (a) shall, upon request, disclose a private record to:

101 (i) the subject of the record;

102 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the  
103 record;

104 (iii) the legal guardian of a legally incapacitated individual who is the subject of the  
105 record;

106 (iv) any other individual who:

107 (A) has a power of attorney from the subject of the record;

108 (B) submits a notarized release from the subject of the record or the individual's  
109 legal representative dated no more than 90 days before the date the request is  
110 made; or

111 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a  
112 health care provider, as defined in Section 26B-8-501, if releasing the record or  
113 information in the record is consistent with normal professional practice and  
114 medical ethics; or

115 (v) any person to whom the record must be provided pursuant to:

116 (A) court order as provided in Subsection (7); or

117 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative  
118 Subpoena Powers; and

119 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through [~~(m)~~]  
120 (n), without complying with Section 63G-2-206, to another governmental entity for a  
121 purpose related to:

122 (i) voter registration; or

123 (ii) the administration of an election.

124 (2)(a) Upon request, a governmental entity shall disclose a controlled record to:

125 (i) a physician, physician assistant, psychologist, certified social worker, insurance  
126 provider or producer, or a government public health agency upon submission of:

127 (A) a release from the subject of the record that is dated no more than 90 days  
128 prior to the date the request is made; and

129 (B) a signed acknowledgment of the terms of disclosure of controlled information  
130 as provided by Subsection (2)(b); and

- 131 (ii) any person to whom the record must be disclosed pursuant to:  
132 (A) a court order as provided in Subsection (7); or  
133 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative  
134 Subpoena Powers.
- 135 (b) A person who receives a record from a governmental entity in accordance with  
136 Subsection (2)(a)(i) may not disclose controlled information from that record to any  
137 person, including the subject of the record.
- 138 (3) If there is more than one subject of a private or controlled record, the portion of the  
139 record that pertains to another subject shall be segregated from the portion that the  
140 requester is entitled to inspect.
- 141 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall  
142 disclose a protected record to:  
143 (a) the person that submitted the record;  
144 (b) any other individual who:  
145 (i) has a power of attorney from all persons, governmental entities, or political  
146 subdivisions whose interests were sought to be protected by the protected  
147 classification; or  
148 (ii) submits a notarized release from all persons, governmental entities, or political  
149 subdivisions whose interests were sought to be protected by the protected  
150 classification or from their legal representatives dated no more than 90 days prior  
151 to the date the request is made;
- 152 (c) any person to whom the record must be provided pursuant to:  
153 (i) a court order as provided in Subsection (7); or  
154 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena  
155 Powers; or  
156 (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116  
157 (5).
- 158 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a private,  
159 controlled, or protected record to another governmental entity, political subdivision,  
160 state, the United States, or a foreign government only as provided by Section 63G-2-206.
- 161 (6) Before releasing a private, controlled, or protected record, the governmental entity shall  
162 obtain evidence of the requester's identity.
- 163 (7) A governmental entity shall disclose a record pursuant to the terms of a court order  
164 signed by a judge from a court of competent jurisdiction, provided that:

- 165 (a) the record deals with a matter in controversy over which the court has jurisdiction;  
166 (b) the court has considered the merits of the request for access to the record;  
167 (c) the court has considered and, where appropriate, limited the requester's use and  
168 further disclosure of the record in order to protect:  
169 (i) privacy interests in the case of private or controlled records;  
170 (ii) business confidentiality interests in the case of records protected under  
171 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and  
172 (iii) privacy interests or the public interest in the case of other protected records;  
173 (d) to the extent the record is properly classified private, controlled, or protected, the  
174 interests favoring access, considering limitations thereon, are greater than or equal to  
175 the interests favoring restriction of access; and  
176 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection  
177 63G-2-201(3)(b), the court has authority independent of this chapter to order  
178 disclosure.
- 179 (8)(a) Except as provided in Subsection (8)(d), a governmental entity may disclose or  
180 authorize disclosure of private or controlled records for research purposes if the  
181 governmental entity:  
182 (i) determines that the research purpose cannot reasonably be accomplished without  
183 use or disclosure of the information to the researcher in individually identifiable  
184 form;  
185 (ii) determines that:  
186 (A) the proposed research is bona fide; and  
187 (B) the value of the research is greater than or equal to the infringement upon  
188 personal privacy;  
189 (iii)(A) requires the researcher to assure the integrity, confidentiality, and security  
190 of the records; and  
191 (B) requires the removal or destruction of the individual identifiers associated  
192 with the records as soon as the purpose of the research project has been  
193 accomplished;  
194 (iv) prohibits the researcher from:  
195 (A) disclosing the record in individually identifiable form, except as provided in  
196 Subsection (8)(b); or  
197 (B) using the record for purposes other than the research approved by the  
198 governmental entity; and

- 199 (v) secures from the researcher a written statement of the researcher's understanding  
200 of and agreement to the conditions of this Subsection (8) and the researcher's  
201 understanding that violation of the terms of this Subsection (8) may subject the  
202 researcher to criminal prosecution under Section 63G-2-801.
- 203 (b) A researcher may disclose a record in individually identifiable form if the record is  
204 disclosed for the purpose of auditing or evaluating the research program and no  
205 subsequent use or disclosure of the record in individually identifiable form will be  
206 made by the auditor or evaluator except as provided by this section.
- 207 (c) A governmental entity may require indemnification as a condition of permitting  
208 research under this Subsection (8).
- 209 (d) A governmental entity may not disclose or authorize disclosure of a private record  
210 for research purposes as described in this Subsection (8) if the private record is a  
211 record described in Subsection [~~63G-2-302(1)(w)~~] 63G-2-302(1)(x).
- 212 (9)(a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity  
213 may disclose to persons other than those specified in this section records that are:
- 214 (i) private under Section 63G-2-302; or  
215 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for  
216 business confidentiality has been made under Section 63G-2-309.
- 217 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the  
218 disclosure to persons other than those specified in this section of records that are:
- 219 (i) private under Section 63G-2-302;  
220 (ii) controlled under Section 63G-2-304; or  
221 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for  
222 business confidentiality has been made under Section 63G-2-309.
- 223 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that  
224 are private under Section 63G-2-302, controlled under Section 63G-2-304, or  
225 protected under Section 63G-2-305 to persons other than those specified in this  
226 section.
- 227 (10)(a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed  
228 as provided in Subsection (1)(a)(v).
- 229 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as  
230 provided in Subsection (4)(c) or Section 26B-6-212.
- 231 (11)(a) A private, protected, or controlled record described in Section 26B-1-506 shall  
232 be disclosed as required under:

- 233 (i) Subsections 26B-1-506(1)(b) and (2); and  
234 (ii) Subsections 26B-1-507(1) and (6).  
235 (b) A record disclosed under Subsection (11)(a) shall retain its character as private,  
236 protected, or controlled.

237 Section 3. Section **63G-2-210** is enacted to read:

238 **63G-2-210 . Access to and use of government information by a government**  
239 **officer.**

240 (1) As used in this section:

241 (a) "Government information" means:

242 (i) any of the following that are in the custody or control of a governmental entity:

243 (A) a record, regardless of whether the record is classified as public, private,  
244 protected, or controlled, or whether the information is exempt from disclosure  
245 under Subsection 63G-2-201(3)(b); or

246 (B) data or information that is not a record; or

247 (ii) any of the following to which a governmental entity has access that is not

248 available to the general public, or that is not accessible by the general public using  
249 the same method as the governmental entity:

250 (A) a record, regardless of whether the record is classified as public, private,  
251 protected, controlled, or whether the information is exempt from disclosure  
252 under Subsection 63G-2-201(3)(b); or

253 (B) data or information that is not a record.

254 (b) "Government officer" means:

255 (i) an elected official; or

256 (ii) an officer, employee, volunteer, or agent of a governmental entity.

257 (2) Except as provided in Subsection (3), a government officer who, due to the government  
258 officer's position as a government officer, has access to government information may not  
259 access, use, copy, or release the information except to the extent that the access, use,  
260 copying, or release:

261 (a) is reasonably related to a duty of the government officer;

262 (b) is in accordance with the requirements of law; and

263 (c) is not done for a primarily personal purpose, including:

264 (i) a political purpose; or

265 (ii) a purpose relating to the government officer's private business, hobbies, or  
266 personal interests.



267 (3) Subsection (2) does not prevent a government officer from accessing, using, copying, or  
268 releasing government information in the same manner available to a member of the  
269 general public, including filing a record request under Section 63G-2-204.

270 Section 4. Section **63G-2-301** is amended to read:

271 **63G-2-301 . Public records.**

272 (1) As used in this section:

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

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

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

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

282 (2) The following records are public except to the extent they contain information expressly  
283 permitted to be treated confidentially under the provisions of Subsections  
284 63G-2-201(3)(b) and (6)(a):

285 (a) laws;

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

291 (i) undercover law enforcement personnel; and

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

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

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

- 301 (e) information contained in or compiled from a transcript, minutes, or report of the open  
302 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,  
303 Open and Public Meetings Act, including the records of all votes of each member of  
304 the governmental entity;
- 305 (f) judicial records unless a court orders the records to be restricted under the rules of  
306 civil or criminal procedure or unless the records are private under this chapter;
- 307 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of  
308 records filed with or maintained by county recorders, clerks, treasurers, surveyors,  
309 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and  
310 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the  
311 Division of Water Rights, or other governmental entities that give public notice of:
- 312 (i) titles or encumbrances to real property;
- 313 (ii) restrictions on the use of real property;
- 314 (iii) the capacity of persons to take or convey title to real property; or
- 315 (iv) tax status for real and personal property;
- 316 (h) records of the Department of Commerce that evidence incorporations, mergers, name  
317 changes, and uniform commercial code filings;
- 318 (i) data on individuals that would otherwise be private under this chapter if the  
319 individual who is the subject of the record has given the governmental entity written  
320 permission to make the records available to the public;
- 321 (j) documentation of the compensation that a governmental entity pays to a contractor or  
322 private provider;
- 323 (k) summary data;
- 324 (l) voter registration records, including an individual's voting history, except for a voter  
325 registration record or those parts of a voter registration record that are classified as  
326 private under Subsections 63G-2-302(1)(j) through [~~m~~] (n) or withheld under  
327 Subsection 20A-2-104(7);
- 328 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
329 available, and email address, if available, where that elected official may be reached  
330 as required in Title 11, Chapter 47, Access to Elected Officials;
- 331 (n) for a school community council member, a telephone number, if available, and email  
332 address, if available, where that elected official may be reached directly as required  
333 in Section 53G-7-1203;
- 334 (o) annual audited financial statements of the Utah Educational Savings Plan described

- 335 in Section 53B-8a-111; and
- 336 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
337 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 338 (3) The following records are normally public, but to the extent that a record is expressly  
339 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
340 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 341 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 342 (b) records documenting a contractor's or private provider's compliance with the terms  
343 of a contract with a governmental entity;
- 344 (c) records documenting the services provided by a contractor or a private provider to  
345 the extent the records would be public if prepared by the governmental entity;
- 346 (d) contracts entered into by a governmental entity;
- 347 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
348 by a governmental entity;
- 349 (f) records relating to government assistance or incentives publicly disclosed, contracted  
350 for, or given by a governmental entity, encouraging a person to expand or relocate a  
351 business in Utah, except as provided in Subsection 63G-2-305(35);
- 352 (g) chronological logs and initial contact reports;
- 353 (h) correspondence by and with a governmental entity in which the governmental entity  
354 determines or states an opinion upon the rights of the state, a political subdivision,  
355 the public, or any person;
- 356 (i) empirical data contained in drafts if:
- 357 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
358 form; and
- 359 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
360 make nonsubstantive changes before release;
- 361 (j) drafts that are circulated to anyone other than:
- 362 (i) a governmental entity;
- 363 (ii) a political subdivision;
- 364 (iii) a federal agency if the governmental entity and the federal agency are jointly  
365 responsible for implementation of a program or project that has been legislatively  
366 approved;
- 367 (iv) a government-managed corporation; or
- 368 (v) a contractor or private provider;

- 369 (k) drafts that have never been finalized but were relied upon by the governmental entity  
370 in carrying out action or policy;
- 371 (l) original data in a computer program if the governmental entity chooses not to  
372 disclose the program;
- 373 (m) arrest warrants after issuance, except that, for good cause, a court may order  
374 restricted access to arrest warrants prior to service;
- 375 (n) search warrants after execution and filing of the return, except that a court, for good  
376 cause, may order restricted access to search warrants prior to trial;
- 377 (o) records that would disclose information relating to formal charges or disciplinary  
378 actions against a past or present governmental entity employee if:
- 379 (i) the disciplinary action has been completed and all time periods for administrative  
380 appeal have expired; and
- 381 (ii) the charges on which the disciplinary action was based were sustained;
- 382 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and  
383 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
384 evidence mineral production on government lands;
- 385 (q) final audit reports;
- 386 (r) occupational and professional licenses;
- 387 (s) business licenses;
- 388 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar  
389 records used to initiate proceedings for discipline or sanctions against persons  
390 regulated by a governmental entity, but not including records that initiate employee  
391 discipline; and
- 392 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
393 the operation of a correctional facility or the care and control of inmates  
394 committed to the custody of a correctional facility; and
- 395 (ii) records that disclose the results of an audit or other inspection assessing a  
396 correctional facility's compliance with a standard, regulation, policy, guideline, or  
397 rule described in Subsection (3)(u)(i).
- 398 (4) The list of public records in this section is not exhaustive and should not be used to limit  
399 access to records.

400 Section 5. Section **63G-2-302** is amended to read:

401 **63G-2-302 . Private records.**

402 (1) The following records are private:

- 403 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
404 social services, welfare benefits, or the determination of benefit levels;
- 405 (b) records containing data on individuals describing medical history, diagnosis,  
406 condition, treatment, evaluation, or similar medical data;
- 407 (c) records of publicly funded libraries that when examined alone or with other records  
408 identify a patron;
- 409 (d) records received by or generated by or for:
- 410 (i) the Independent Legislative Ethics Commission, except for:
- 411 (A) the commission's summary data report that is required under legislative rule;  
412 and
- 413 (B) any other document that is classified as public under legislative rule; or
- 414 (ii) a Senate or House Ethics Committee in relation to the review of ethics  
415 complaints, unless the record is classified as public under legislative rule;
- 416 (e) records received by, or generated by or for, the Independent Executive Branch Ethics  
417 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,  
418 Review of Executive Branch Ethics Complaints;
- 419 (f) records received or generated for a Senate confirmation committee concerning  
420 character, professional competence, or physical or mental health of an individual:
- 421 (i) if, prior to the meeting, the chair of the committee determines release of the  
422 records:
- 423 (A) reasonably could be expected to interfere with the investigation undertaken by  
424 the committee; or
- 425 (B) would create a danger of depriving a person of a right to a fair proceeding or  
426 impartial hearing; and
- 427 (ii) after the meeting, if the meeting was closed to the public;
- 428 (g) employment records concerning a current or former employee of, or applicant for  
429 employment with, a governmental entity that would disclose that individual's home  
430 address, home telephone number, social security number, insurance coverage, marital  
431 status, or payroll deductions;
- 432 (h) records or parts of records under Section 63G-2-303 that a current or former  
433 employee identifies as private according to the requirements of that section;
- 434 (i) that part of a record indicating a person's social security number or federal employer  
435 identification number if provided under Section 31A-23a-104, 31A-25-202,  
436 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

- 437 (j) that part of a voter registration record identifying a voter's:  
438 (i) driver license or identification card number;  
439 (ii) social security number, or last four digits of the social security number;  
440 (iii) email address;  
441 (iv) date of birth; or  
442 (v) phone number;
- 443 (k) a voter registration record that is classified as a private record by the lieutenant  
444 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or  
445 20A-2-204(4)(b);
- 446 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 447 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
448 verification submitted in support of the form;
- 449 (n) a record or information regarding whether a voter returned a ballot with postage  
450 attached;
- 451 ~~[(n)]~~ (o) a record that:  
452 (i) contains information about an individual;  
453 (ii) is voluntarily provided by the individual; and  
454 (iii) goes into an electronic database that:  
455 (A) is designated by and administered under the authority of the Chief Information  
456 Officer; and  
457 (B) acts as a repository of information about the individual that can be  
458 electronically retrieved and used to facilitate the individual's online interaction  
459 with a state agency;
- 460 ~~[(o)]~~ (p) information provided to the Commissioner of Insurance under:  
461 (i) Subsection 31A-23a-115(3)(a);  
462 (ii) Subsection 31A-23a-302(4); or  
463 (iii) Subsection 31A-26-210(4);
- 464 ~~[(p)]~~ (q) information obtained through a criminal background check under Title 11,  
465 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water  
466 Systems;
- 467 ~~[(q)]~~ (r) information provided by an offender that is:  
468 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and  
469 Child Abuse Offender Registry; and  
470 (ii) not required to be made available to the public under Subsection 77-41-110(4);

471       ~~[(t)]~~ (s) a statement and any supporting documentation filed with the attorney general in  
472           accordance with Section 34-45-107, if the federal law or action supporting the filing  
473           involves homeland security;

474       ~~[(s)]~~ (t) electronic toll collection customer account information received or collected  
475           under Section 72-6-118 and customer information described in Section 17B-2a-815  
476           received or collected by a public transit district, including contact and payment  
477           information and customer travel data;

478       ~~[(t)]~~ (u) an email address provided by a military or overseas voter under Section  
479           20A-16-501;

480       ~~[(t)]~~ (v) a completed military-overseas ballot that is electronically transmitted under Title  
481           20A, Chapter 16, Uniform Military and Overseas Voters Act;

482       ~~[(v)]~~ (w) records received by or generated by or for the Political Subdivisions Ethics  
483           Review Commission established in Section 63A-15-201, except for:  
484           (i) the commission's summary data report that is required in Section 63A-15-202; and  
485           (ii) any other document that is classified as public in accordance with Title 63A,  
486           Chapter 15, Political Subdivisions Ethics Review Commission;

487       ~~[(w)]~~ (x) a record described in Section 53G-9-604 that verifies that a parent was notified  
488           of an incident or threat;

489       ~~[(x)]~~ (y) a criminal background check or credit history report conducted in accordance  
490           with Section 63A-3-201;

491       ~~[(y)]~~ (z) a record described in Subsection 53-5a-104(7);

492       ~~[(z)]~~ (aa) on a record maintained by a county for the purpose of administering property  
493           taxes, an individual's:  
494           (i) email address;  
495           (ii) phone number; or  
496           (iii) personal financial information related to a person's payment method;

497       ~~[(aa)]~~ (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an  
498           exemption, deferral, abatement, or relief under:  
499           (i) Title 59, Chapter 2, Part 11, Exemptions;  
500           (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;  
501           (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or  
502           (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;

503       ~~[(bb)]~~ (cc) a record provided by the State Tax Commission in response to a request under  
504           Subsection 59-1-403(4)(y)(iii);

505       ~~[(ee)]~~ (dd) a record of the Child Welfare Legislative Oversight Panel regarding an  
506           individual child welfare case, as described in Subsection 36-33-103(3);~~[-and]~~  
507       ~~[(dd)]~~ (ee) a record relating to drug or alcohol testing of a state employee under Section  
508           63A-17-1004;  
509       ~~[(ee)]~~ (ff) a record relating to a request by a state elected official or state employee who  
510           has been threatened to the Division of Technology Services to remove personal  
511           identifying information from the open web under Section 63A-16-109; and  
512       ~~[(ff)]~~ (gg) a record including confidential information as that term is defined in Section  
513           67-27-105.

- 514 (2) The following records are private if properly classified by a governmental entity:
- 515       (a) records concerning a current or former employee of, or applicant for employment  
516           with a governmental entity, including performance evaluations and personal status  
517           information such as race, religion, or disabilities, but not including records that are  
518           public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under  
519           Subsection (1)(b);
  - 520       (b) records describing an individual's finances, except that the following are public:
    - 521           (i) records described in Subsection 63G-2-301(2);
    - 522           (ii) information provided to the governmental entity for the purpose of complying  
523               with a financial assurance requirement; or
    - 524           (iii) records that must be disclosed in accordance with another statute;
  - 525       (c) records of independent state agencies if the disclosure of those records would  
526           conflict with the fiduciary obligations of the agency;
  - 527       (d) other records containing data on individuals the disclosure of which constitutes a  
528           clearly unwarranted invasion of personal privacy;
  - 529       (e) records provided by the United States or by a government entity outside the state that  
530           are given with the requirement that the records be managed as private records, if the  
531           providing entity states in writing that the record would not be subject to public  
532           disclosure if retained by it;
  - 533       (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
534           created in Section 26B-6-102, that may disclose, or lead to the discovery of, the  
535           identity of a person who made a report of alleged abuse, neglect, or exploitation of a  
536           vulnerable adult; and
  - 537       (g) audio and video recordings created by a body-worn camera, as defined in Section  
538           77-7a-103, that record sound or images inside a home or residence except for



- 539 recordings that:
- 540 (i) depict the commission of an alleged crime;
- 541 (ii) record any encounter between a law enforcement officer and a person that results
- 542 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 543 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 544 against a law enforcement officer or law enforcement agency;
- 545 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
- 546 (1)(f); or
- 547 (v) have been requested for reclassification as a public record by a subject or
- 548 authorized agent of a subject featured in the recording.
- 549 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
- 550 statements, history, diagnosis, condition, treatment, and evaluation.
- 551 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 552 doctors, or affiliated entities are not private records or controlled records under
- 553 Section 63G-2-304 when the records are sought:
- 554 (i) in connection with any legal or administrative proceeding in which the patient's
- 555 physical, mental, or emotional condition is an element of any claim or defense; or
- 556 (ii) after a patient's death, in any legal or administrative proceeding in which any
- 557 party relies upon the condition as an element of the claim or defense.
- 558 (c) Medical records are subject to production in a legal or administrative proceeding
- 559 according to state or federal statutes or rules of procedure and evidence as if the
- 560 medical records were in the possession of a nongovernmental medical care provider.
- 561 Section 6. Section **63G-2-801** is amended to read:
- 562 **63G-2-801 . Criminal penalties.**
- 563 (1)(a) A public employee or other person who has lawful access to any private,
- 564 controlled, or protected record under this chapter, and who intentionally discloses,
- 565 provides a copy of, or improperly uses a private, controlled, or protected record
- 566 knowing that the disclosure or use is prohibited under this chapter, is, except as
- 567 provided in Subsection 53-5-708(1)(c), guilty of a class B misdemeanor.
- 568 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
- 569 private, controlled, or protected information in the reasonable belief that the use or
- 570 disclosure of the information was necessary to expose a violation of law involving
- 571 government corruption, abuse of office, or misappropriation of public funds or
- 572 property.

- 573 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have  
574 lawfully been released to the recipient if it had been properly classified.
- 575 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or  
576 other person disclosed, provided, or used the record based on a good faith belief that  
577 the disclosure, provision, or use was in accordance with the law.
- 578 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a  
579 copy of any private, controlled, or protected record to which the person is not legally  
580 entitled is guilty of a class B misdemeanor.
- 581 (b) No person shall be guilty under Subsection (2)(a) who receives the record,  
582 information, or copy after the fact and without prior knowledge of or participation in  
583 the false pretenses, bribery, or theft.
- 584 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of  
585 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 586 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's  
587 failure to release the record was based on a good faith belief that the public employee  
588 was acting in accordance with the requirements of law.
- 589 (c) A public employee who intentionally refuses to release a record, the disclosure of  
590 which the employee knows is required by a final unappealed order from a  
591 government entity, the State Records Committee, or a court is guilty of a class B  
592 misdemeanor.
- 593 (4) A person who intentionally violates Section 63G-2-210 is guilty of a class B  
594 misdemeanor.
- 595 Section 7. **Effective Date.**
- 596 This bill takes effect on May 7, 2025.