

Brady Brammer 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

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 voter or election information by a government**
- 239 **officer.**
- 240 (1) As used in this section, "government officer" means:
- 241 (a) an elected official; or
- 242 (b) an officer, employee, volunteer, or agent of a governmental entity.
- 243 (2) A government officer may not:
- 244 (a) disclose, or attempt to discover, any information from a ballot cast by an identifiable
- 245 voter;
- 246 (b) except as provided in Subsection (3), disclose in relation to an identifiable voter:
- 247 (i) the method by which the voter voted or returned a ballot;
- 248 (ii) when or where the voter voted;
- 249 (iii) how or when the voter's ballot was received;
- 250 (iv) whether a ballot was mailed to the voter;
- 251 (v) whether the voter placed postage on a return envelope; or
- 252 (vi) any information from the return envelope of a voter.
- 253 (3) Subsection (2) does not prohibit the disclosure, in mass, of the information included in a
- 254 voting history record, in accordance with Section 20A-5-410.
- 255 (4) Except as provided in Subsection (5), a government officer who, due to the government
- 256 officer's position as a government officer, has access to election records, may not access,
- 257 use, copy, or release the information except to the extent that the access, use, copying, or
- 258 release:
- 259 (a) is reasonably related to a duty of the government officer;
- 260 (b) is in accordance with the requirements of law; and
- 261 (c) is not done for a primarily personal purpose, including:
- 262 (i) a political purpose;
- 263 (ii) furthering the government officer's personal agenda; or
- 264 (iii) a purpose relating to the government officer's private business, hobbies, or
- 265 personal interests.
- 266 (5) Subsection (4) does not prevent a government officer from accessing, using, copying, or

267 releasing government information in the same manner available to a member of the
268 general public, including by filing a record request under Section 63G-2-204.

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

270 **63G-2-301 . Public records.**

271 (1) As used in this section:

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

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

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

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

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

284 (a) laws;

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

290 (i) undercover law enforcement personnel; and

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

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

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

300 (e) information contained in or compiled from a transcript, minutes, or report of the open

- 301 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
302 Open and Public Meetings Act, including the records of all votes of each member of
303 the governmental entity;
- 304 (f) judicial records unless a court orders the records to be restricted under the rules of
305 civil or criminal procedure or unless the records are private under this chapter;
- 306 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
307 records filed with or maintained by county recorders, clerks, treasurers, surveyors,
308 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
309 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the
310 Division of Water Rights, or other governmental entities that give public notice of:
- 311 (i) titles or encumbrances to real property;
312 (ii) restrictions on the use of real property;
313 (iii) the capacity of persons to take or convey title to real property; or
314 (iv) tax status for real and personal property;
- 315 (h) records of the Department of Commerce that evidence incorporations, mergers, name
316 changes, and uniform commercial code filings;
- 317 (i) data on individuals that would otherwise be private under this chapter if the
318 individual who is the subject of the record has given the governmental entity written
319 permission to make the records available to the public;
- 320 (j) documentation of the compensation that a governmental entity pays to a contractor or
321 private provider;
- 322 (k) summary data;
- 323 (l) voter registration records, including an individual's voting history, except for a voter
324 registration record or those parts of a voter registration record that are classified as
325 private under Subsections 63G-2-302(1)(j) through [~~(m)~~] (n) or withheld under
326 Subsection 20A-2-104(7);
- 327 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
328 available, and email address, if available, where that elected official may be reached
329 as required in Title 11, Chapter 47, Access to Elected Officials;
- 330 (n) for a school community council member, a telephone number, if available, and email
331 address, if available, where that elected official may be reached directly as required
332 in Section 53G-7-1203;
- 333 (o) annual audited financial statements of the Utah Educational Savings Plan described
334 in Section 53B-8a-111; and

- 335 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
336 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 337 (3) The following records are normally public, but to the extent that a record is expressly
338 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
339 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 340 (a) administrative staff manuals, instructions to staff, and statements of policy;
 - 341 (b) records documenting a contractor's or private provider's compliance with the terms
342 of a contract with a governmental entity;
 - 343 (c) records documenting the services provided by a contractor or a private provider to
344 the extent the records would be public if prepared by the governmental entity;
 - 345 (d) contracts entered into by a governmental entity;
 - 346 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
347 by a governmental entity;
 - 348 (f) records relating to government assistance or incentives publicly disclosed, contracted
349 for, or given by a governmental entity, encouraging a person to expand or relocate a
350 business in Utah, except as provided in Subsection 63G-2-305(35);
 - 351 (g) chronological logs and initial contact reports;
 - 352 (h) correspondence by and with a governmental entity in which the governmental entity
353 determines or states an opinion upon the rights of the state, a political subdivision,
354 the public, or any person;
 - 355 (i) empirical data contained in drafts if:
 - 356 (i) the empirical data is not reasonably available to the requester elsewhere in similar
357 form; and
 - 358 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
359 make nonsubstantive changes before release;
 - 360 (j) drafts that are circulated to anyone other than:
 - 361 (i) a governmental entity;
 - 362 (ii) a political subdivision;
 - 363 (iii) a federal agency if the governmental entity and the federal agency are jointly
364 responsible for implementation of a program or project that has been legislatively
365 approved;
 - 366 (iv) a government-managed corporation; or
 - 367 (v) a contractor or private provider;
 - 368 (k) drafts that have never been finalized but were relied upon by the governmental entity

- 369 in carrying out action or policy;
- 370 (l) original data in a computer program if the governmental entity chooses not to
371 disclose the program;
- 372 (m) arrest warrants after issuance, except that, for good cause, a court may order
373 restricted access to arrest warrants prior to service;
- 374 (n) search warrants after execution and filing of the return, except that a court, for good
375 cause, may order restricted access to search warrants prior to trial;
- 376 (o) records that would disclose information relating to formal charges or disciplinary
377 actions against a past or present governmental entity employee if:
- 378 (i) the disciplinary action has been completed and all time periods for administrative
379 appeal have expired; and
- 380 (ii) the charges on which the disciplinary action was based were sustained;
- 381 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
382 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
383 evidence mineral production on government lands;
- 384 (q) final audit reports;
- 385 (r) occupational and professional licenses;
- 386 (s) business licenses;
- 387 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
388 records used to initiate proceedings for discipline or sanctions against persons
389 regulated by a governmental entity, but not including records that initiate employee
390 discipline; and
- 391 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
392 the operation of a correctional facility or the care and control of inmates
393 committed to the custody of a correctional facility; and
- 394 (ii) records that disclose the results of an audit or other inspection assessing a
395 correctional facility's compliance with a standard, regulation, policy, guideline, or
396 rule described in Subsection (3)(u)(i).
- 397 (4) The list of public records in this section is not exhaustive and should not be used to limit
398 access to records.

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

400 **63G-2-302 . Private records.**

401 (1) The following records are private:

- 402 (a) records concerning an individual's eligibility for unemployment insurance benefits,

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

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

471 accordance with Section 34-45-107, if the federal law or action supporting the filing
472 involves homeland security;

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

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

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

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

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

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

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

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

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

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

504 ~~[(cc)]~~ (dd) a record of the Child Welfare Legislative Oversight Panel regarding an

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

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

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

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