

1 **Government Records Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor:

---

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  
11 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 the State Records Committee;
- 19 ▶ requires a governmental entity to conduct an annual review of records retention  
20 requirements and compliance with those requirements;
- 21 ▶ amends requirements for an ordinance or policy adopted by a political subdivision in  
22 relation to public records;
- 23 ▶ makes it a crime to destroy a record with the intent to avoid disclosure in response to a  
24 pending record request; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
- 33 **20A-11-1205**, as last amended by Laws of Utah 2020, Chapter 22
- 34 **63G-2-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 35 **63G-2-103**, as last amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522
- 36 **63G-2-107**, as last amended by Laws of Utah 2024, Chapters 18, 381
- 37 **63G-2-201**, as last amended by Laws of Utah 2023, Chapters 173, 516
- 38 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 128
- 39 **63G-2-204**, as last amended by Laws of Utah 2023, Chapter 173
- 40 **63G-2-301**, as last amended by Laws of Utah 2020, Chapters 255, 399
- 41 **63G-2-400.5**, as last amended by Laws of Utah 2019, Chapters 254, 334
- 42 **63G-2-401**, as last amended by Laws of Utah 2024, Chapter 407
- 43 **63G-2-403**, as last amended by Laws of Utah 2024, Chapter 407
- 44 **63G-2-501**, as last amended by Laws of Utah 2024, Chapter 529
- 45 **63G-2-502**, as last amended by Laws of Utah 2019, Chapter 254
- 46 **63G-2-604**, as last amended by Laws of Utah 2023, Chapters 173, 516
- 47 **63G-2-701**, as last amended by Laws of Utah 2019, Chapter 254
- 48 **63G-2-801**, as last amended by Laws of Utah 2019, Chapter 254
- 49 **77-27-5**, as last amended by Laws of Utah 2024, Chapters 145, 187 and 208

50 ENACTS:

- 51 **63A-12-117**, Utah Code Annotated 1953
- 52 **63G-2-605**, Utah Code Annotated 1953



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

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

56 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**

57 (1) As used in this section:

- 58 (a) "Candidate for public office" means an individual:
  - 59 (i) who files a declaration of candidacy for a public office;
  - 60 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
  - 61 (iii) employed by, under contract with, or a volunteer of, an individual described in
  - 62 Subsection (1)(a)(i) or (ii) for political campaign purposes.
- 63 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
- 64 the federal Violence Against Women Act of 1994, as amended.

- 65 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
- 66 the federal Violence Against Women Act of 1994, as amended.
- 67 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
- 68 produce a code that:
- 69 (i) uniquely represents the set of data;
- 70 (ii) is always the same if the same algorithm is applied to the same set of data; and
- 71 (iii) cannot be reversed to reveal the data applied to the algorithm.
- 72 (e) "Protected individual" means an individual:
- 73 (i) who submits a withholding request form with the individual's voter registration
- 74 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 75 on the form that the individual, or an individual who resides with the individual, is
- 76 a victim of domestic violence or dating violence or is likely to be a victim of
- 77 domestic violence or dating violence;
- 78 (ii) who submits a withholding request form with the individual's voter registration
- 79 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 80 on the form and provides verification that the individual, or an individual who
- 81 resides with the individual, is a law enforcement officer, a member of the armed
- 82 forces as defined in Section 20A-1-513, a public figure, or protected by a
- 83 protective order or protection order; or
- 84 (iii) whose voter registration record was classified as a private record at the request of
- 85 the individual before May 12, 2020.

86 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,

87 shall complete a voter registration form in substantially the following form:

88 -----

89 UTAH ELECTION REGISTRATION FORM

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

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

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

93 If you checked "no" to the above question, are you 16 or 17 years of age and

94 preregistering to vote? Yes No

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

96 Name of Voter

97 \_\_\_\_\_

98 First Middle Last

99 Utah Driver License or Utah Identification Card  
 100 Number \_\_\_\_\_  
 101 Date of Birth \_\_\_\_\_  
 102 Street Address of Principal Place of Residence  
 103 \_\_\_\_\_  
 104 City County State Zip Code  
 105 Telephone Number (optional) \_\_\_\_\_  
 106 Email Address (optional) \_\_\_\_\_  
 107 Last four digits of Social Security Number \_\_\_\_\_

108 Last former address at which I was registered to vote (if  
 109 known) \_\_\_\_\_  
 110 \_\_\_\_\_  
 111 City County State Zip Code

112 Political Party  
 113 (a listing of each registered political party, as defined in Section 20A-8-101 and  
 114 maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded  
 115 by a checkbox)  
 116  Unaffiliated (no political party preference)  Other (Please  
 117 specify) \_\_\_\_\_

118 I do swear (or affirm), subject to penalty of law for false statements, that the information  
 119 contained in this form is true, and that I am a citizen of the United States and a resident of the  
 120 state of Utah, residing at the above address. Unless I have indicated above that I am  
 121 preregistering to vote in a later election, I will be at least 18 years of age and will have resided  
 122 in Utah for 30 days immediately before the next election. I am not a convicted felon currently  
 123 incarcerated for commission of a felony.

124 Signed and sworn  
 125 \_\_\_\_\_  
 126 Voter's Signature  
 127 \_\_\_\_\_(month/day/year).

128 PRIVACY INFORMATION

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

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

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

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

#### 143 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

#### 161 CITIZENSHIP AFFIDAVIT

162 Name:

163 Name at birth, if different:

164 Place of birth:

165 Date of birth:

166 Date and place of naturalization (if applicable):

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

170 \_\_\_\_\_  
171 Signature of Applicant

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

175 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
176 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
177 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
178 PHOTOGRAPH; OR

179 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME  
180 AND CURRENT ADDRESS.

181 FOR OFFICIAL USE ONLY

182 Type of I.D. \_\_\_\_\_  
183 Voting Precinct \_\_\_\_\_  
184 Voting I.D. Number \_\_\_\_\_

185 -----

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

188 -----

189 **BALLOT NOTIFICATIONS**

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

193 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
194 ballot.

195 -----

196 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a  
197 copy of each voter registration form in a permanent countywide alphabetical file,  
198 which may be electronic or some other recognized system.

199 (ii) The county clerk may transfer a superseded voter registration form to the  
200 Division of Archives and Records Service created under Section 63A-12-101.

- 201 (3)(a) Each county clerk shall retain lists of currently registered voters.
- 202 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 203 (c) If there are any discrepancies between the two lists, the county clerk's list is the
- 204 official list.
- 205 (d) The lieutenant governor and the county clerks may charge the fees established under
- 206 the authority of Subsection [~~63G-2-203(10)~~] 63G-2-203(11) to individuals who wish
- 207 to obtain a copy of the list of registered voters.
- 208 (4)(a) As used in this Subsection (4), "qualified person" means:
- 209 (i) a government official or government employee acting in the government official's
- 210 or government employee's capacity as a government official or a government
- 211 employee;
- 212 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
- 213 independent contractor of a health care provider;
- 214 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
- 215 or independent contractor of an insurance company;
- 216 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
- 217 independent contractor of a financial institution;
- 218 (v) a political party, or an agent, employee, or independent contractor of a political
- 219 party;
- 220 (vi) a candidate for public office, or an employee, independent contractor, or
- 221 volunteer of a candidate for public office;
- 222 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
- 223 year of birth from the list of registered voters:
- 224 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
- 225 through (vii);
- 226 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
- 227 described in Subsections (4)(a)(i) through (vii);
- 228 (C) ensures, using industry standard security measures, that the year of birth may
- 229 not be accessed by a person other than a person described in Subsections
- 230 (4)(a)(i) through (vii);
- 231 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
- 232 whom the person provides the year of birth will only use the year of birth to
- 233 verify the accuracy of personal information submitted by an individual or to
- 234 confirm the identity of a person in order to prevent fraud, waste, or abuse;

- 235 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person  
236 provides the year of birth will only use the year of birth in the person's capacity  
237 as a government official or government employee; and
- 238 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the  
239 person provides the year of birth will only use the year of birth for a political  
240 purpose of the political party or candidate for public office; or
- 241 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining  
242 information under Subsection (4)(n) and (o):
- 243 (A) provides the information only to another person described in Subsection  
244 (4)(a)(v) or (vi);
- 245 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a  
246 person described in Subsection (4)(a)(v) or (vi);
- 247 (C) ensures, using industry standard security measures, that the information may  
248 not be accessed by a person other than a person described in Subsection  
249 (4)(a)(v) or (vi); and
- 250 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the  
251 person provides the information will only use the information for a political  
252 purpose of the political party or candidate for public office.
- 253 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in  
254 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,  
255 when providing the list of registered voters to a qualified person under this section,  
256 include, with the list, the years of birth of the registered voters, if:
- 257 (i) the lieutenant governor or a county clerk verifies the identity of the person and  
258 that the person is a qualified person; and
- 259 (ii) the qualified person signs a document that includes the following:
- 260 (A) the name, address, and telephone number of the person requesting the list of  
261 registered voters;
- 262 (B) an indication of the type of qualified person that the person requesting the list  
263 claims to be;
- 264 (C) a statement regarding the purpose for which the person desires to obtain the  
265 years of birth;
- 266 (D) a list of the purposes for which the qualified person may use the year of birth  
267 of a registered voter that is obtained from the list of registered voters;
- 268 (E) a statement that the year of birth of a registered voter that is obtained from the



- 269 list of registered voters may not be provided or used for a purpose other than a  
270 purpose described under Subsection (4)(b)(ii)(D);
- 271 (F) a statement that if the person obtains the year of birth of a registered voter  
272 from the list of registered voters under false pretenses, or provides or uses the  
273 year of birth of a registered voter that is obtained from the list of registered  
274 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor  
275 and is subject to a civil fine;
- 276 (G) an assertion from the person that the person will not provide or use the year of  
277 birth of a registered voter that is obtained from the list of registered voters in a  
278 manner that is prohibited by law; and
- 279 (H) notice that if the person makes a false statement in the document, the person is  
280 punishable by law under Section 76-8-504.
- 281 (c) The lieutenant governor or a county clerk:
- 282 (i) may not disclose the year of birth of a registered voter to a person that the  
283 lieutenant governor or county clerk reasonably believes:
- 284 (A) is not a qualified person or a person described in Subsection (4)(l); or  
285 (B) will provide or use the year of birth in a manner prohibited by law; and
- 286 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the  
287 lieutenant governor or county clerk reasonably believes:
- 288 (A) is not a person described in Subsection (4)(a)(v) or (vi); or  
289 (B) will provide or use the information in a manner prohibited by law.
- 290 (d) The lieutenant governor or a county clerk may not disclose the voter registration  
291 form of a person, or information included in the person's voter registration form,  
292 whose voter registration form is classified as private under Subsection (4)(h) to a  
293 person other than:
- 294 (i) a government official or government employee acting in the government official's  
295 or government employee's capacity as a government official or government  
296 employee; or
- 297 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for  
298 a political purpose.
- 299 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or  
300 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk  
301 shall exclude the information described in Subsection 63G-2-302(1)(j), other than  
302 the year of birth.

- 303 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the  
304 voter registration record of a protected individual, the lieutenant governor or  
305 county clerk shall comply with Subsections (4)(n) through (p).
- 306 (f) The lieutenant governor or a county clerk may not disclose a withholding request  
307 form, described in Subsections (7) and (8), submitted by an individual, or information  
308 obtained from that form, to a person other than a government official or government  
309 employee acting in the government official's or government employee's capacity as a  
310 government official or government employee.
- 311 (g) A person is guilty of a class A misdemeanor if the person:
- 312 (i) obtains from the list of registered voters, under false pretenses, the year of birth of  
313 a registered voter or information described in Subsection (4)(n) or (o);
- 314 (ii) uses or provides the year of birth of a registered voter, or information described in  
315 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a  
316 manner that is not permitted by law;
- 317 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)  
318 under false pretenses;
- 319 (iv) uses or provides information obtained from a voter registration record described  
320 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 321 (v) unlawfully discloses or obtains a voter registration record withheld under  
322 Subsection (7) or a withholding request form described in Subsections (7) and (8);  
323 or
- 324 (vi) unlawfully discloses or obtains information from a voter registration record  
325 withheld under Subsection (7) or a withholding request form described in  
326 Subsections (7) and (8).
- 327 (h) The lieutenant governor or a county clerk shall classify the voter registration record  
328 of a voter as a private record if the voter:
- 329 (i) submits a written application, created by the lieutenant governor, requesting that  
330 the voter's voter registration record be classified as private;
- 331 (ii) requests on the voter's voter registration form that the voter's voter registration  
332 record be classified as a private record; or
- 333 (iii) submits a withholding request form described in Subsection (7) and any required  
334 verification.
- 335 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a  
336 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a

- 337 voter registration record, or information obtained from a voter registration record, if  
338 the record is withheld under Subsection (7).
- 339 (j) In addition to any criminal penalty that may be imposed under this section, the  
340 lieutenant governor may impose a civil fine against a person who violates a provision  
341 of this section, in an amount equal to the greater of:
- 342 (i) the product of 30 and the square root of the total number of:
- 343 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole  
344 dollar; or
- 345 (B) records from which information is obtained, provided, or used unlawfully,  
346 rounded to the nearest whole dollar; or
- 347 (ii) \$200.
- 348 (k) A qualified person may not obtain, provide, or use the year of birth of a registered  
349 voter, if the year of birth is obtained from the list of registered voters or from a voter  
350 registration record, unless the person:
- 351 (i) is a government official or government employee who obtains, provides, or uses  
352 the year of birth in the government official's or government employee's capacity  
353 as a government official or government employee;
- 354 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or  
355 uses the year of birth only to verify the accuracy of personal information  
356 submitted by an individual or to confirm the identity of a person in order to  
357 prevent fraud, waste, or abuse;
- 358 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,  
359 provides, or uses the year of birth for a political purpose of the political party or  
360 candidate for public office; or
- 361 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or  
362 uses the year of birth to provide the year of birth to another qualified person to  
363 verify the accuracy of personal information submitted by an individual or to  
364 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 365 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of  
366 the media, in relation to an individual designated by the member of the media, in  
367 order for the member of the media to verify the identity of the individual.
- 368 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose  
369 information from a voter registration record for a purpose other than a political  
370 purpose.

- 371 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a  
372 county clerk shall, when providing the list of registered voters to a qualified person  
373 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose  
374 record is withheld under Subsection (7), the information described in Subsection  
375 (4)(o), if:
- 376 (i) the lieutenant governor or a county clerk verifies the identity of the person and  
377 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
  - 378 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document  
379 that includes the following:
    - 380 (A) the name, address, and telephone number of the person requesting the list of  
381 registered voters;
    - 382 (B) an indication of the type of qualified person that the person requesting the list  
383 claims to be;
    - 384 (C) a statement regarding the purpose for which the person desires to obtain the  
385 information;
    - 386 (D) a list of the purposes for which the qualified person may use the information;
    - 387 (E) a statement that the information may not be provided or used for a purpose  
388 other than a purpose described under Subsection (4)(n)(ii)(D);
    - 389 (F) a statement that if the person obtains the information under false pretenses, or  
390 provides or uses the information in a manner that is prohibited by law, the  
391 person is guilty of a class A misdemeanor and is subject to a civil fine;
    - 392 (G) an assertion from the person that the person will not provide or use the  
393 information in a manner that is prohibited by law; and
    - 394 (H) notice that if the person makes a false statement in the document, the person is  
395 punishable by law under Section 76-8-504.
- 396 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor  
397 or a county clerk is required to provide, under Subsection (4)(n), from the record of a  
398 protected individual is:
- 399 (i) a single hash code, generated from a string of data that includes both the voter's  
400 voter identification number and residential address;
  - 401 (ii) the voter's residential address;
  - 402 (iii) the voter's mailing address, if different from the voter's residential address;
  - 403 (iv) the party affiliation of the voter;
  - 404 (v) the precinct number for the voter's residential address;

- 405 (vi) the voter's voting history; and
- 406 (vii) a designation of which age group, of the following age groups, the voter falls
- 407 within:
- 408 (A) 25 or younger;
- 409 (B) 26 through 35;
- 410 (C) 36 through 45;
- 411 (D) 46 through 55;
- 412 (E) 56 through 65;
- 413 (F) 66 through 75; or
- 414 (G) 76 or older.
- 415 (p) The lieutenant governor or a county clerk may not disclose:
- 416 (i) information described in Subsection (4)(o) that, due to a small number of voters
- 417 affiliated with a particular political party, or due to another reason, would likely
- 418 reveal the identity of a voter if disclosed; or
- 419 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
- 420 county clerk determines that the nature of the address would directly reveal
- 421 sensitive information about the voter.
- 422 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
- 423 or use the information described in Subsection (4)(n) or (o), except to the extent that
- 424 the qualified person uses the information for a political purpose of a political party or
- 425 candidate for public office.
- 426 (5) When political parties not listed on the voter registration form qualify as registered
- 427 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures,
- 428 the lieutenant governor shall inform the county clerks of the name of the new political
- 429 party and direct the county clerks to ensure that the voter registration form is modified to
- 430 include that political party.
- 431 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
- 432 clerk's designee shall:
- 433 (a) review each voter registration form for completeness and accuracy; and
- 434 (b) if the county clerk believes, based upon a review of the form, that an individual may
- 435 be seeking to register or preregister to vote who is not legally entitled to register or
- 436 preregister to vote, refer the form to the county attorney for investigation and
- 437 possible prosecution.
- 438 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a

- 439 person described in Subsection (4)(a)(i), the voter registration record, and information  
440 obtained from the voter registration record, of a protected individual.
- 441 (8)(a) The lieutenant governor shall design and distribute the withholding request form  
442 described in Subsection (7) to each election officer and to each agency that provides  
443 a voter registration form.
- 444 (b) An individual described in Subsection (1)(e)(i) is not required to provide  
445 verification, other than the individual's attestation and signature on the withholding  
446 request form, that the individual, or an individual who resides with the individual, is a  
447 victim of domestic violence or dating violence or is likely to be a victim of domestic  
448 violence or dating violence.
- 449 (c) The director of elections within the Office of the Lieutenant Governor shall make  
450 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
451 establishing requirements for providing the verification described in Subsection  
452 (1)(e)(ii).
- 453 (9) An election officer or an employee of an election officer may not encourage an  
454 individual to submit, or discourage an individual from submitting, a withholding request  
455 form.
- 456 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to  
457 registered voters who are protected individuals, that includes the following  
458 information:
- 459 (i) that the voter's classification of the record as private remains in effect;  
460 (ii) that certain non-identifying information from the voter's voter registration record  
461 may, under certain circumstances, be released to political parties and candidates  
462 for public office;  
463 (iii) that the voter's name, driver license or identification card number, social security  
464 number, email address, phone number, and the voter's day, month, and year of  
465 birth will remain private and will not be released to political parties or candidates  
466 for public office;  
467 (iv) that a county clerk will only release the information to political parties and  
468 candidates in a manner that does not associate the information with a particular  
469 voter; and  
470 (v) that a county clerk may, under certain circumstances, withhold other information  
471 that the county clerk determines would reveal identifying information about the  
472 voter.

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

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

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

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

480 (iii) posting the notice in public locations;

481 (iv) publication in a newspaper;

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

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

485 (vii) providing notice by any other method.

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

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

489 **20A-11-1205 . Use of public email for a political purpose.**

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

492 (a) for a political purpose;

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

495 (c) to solicit a campaign contribution.

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

499 (i) up to \$250 for a first violation; and

500 (ii) except as provided in Subsection (3), for each subsequent violation committed  
501 after the lieutenant governor imposes a fine against the person for a first violation,  
502 \$1,000 multiplied by the number of violations committed by the person.

503 (b) A person may, within 30 days after the day on which the lieutenant governor  
504 imposes a fine against the person under this Subsection (2), appeal the fine to a  
505 district court.

506 (3) The lieutenant governor shall consider a violation of this section as a first violation if

- 507 the violation is committed more than seven years after the day on which the person last  
508 committed a violation of this section.
- 509 (4) For purposes of this section, one violation means one act of sending an email, regardless  
510 of the number of recipients of the email.
- 511 (5) A person does not violate this section if:
- 512 (a) the lieutenant governor finds that the email described in Subsection (1) was  
513 inadvertently sent by the person using the email of a public entity;
- 514 (b) the person is directly providing information solely to another person or a group of  
515 people in response to a question asked by the other person or group of people;
- 516 (c) the information the person emails is an argument or rebuttal argument prepared  
517 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing  
518 argument and rebuttal argument that:
- 519 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
520 referendum; and
- 521 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 522 (d) the person is engaging in:
- 523 (i) an internal communication solely within the public entity;
- 524 (ii) a communication solely with another public entity;
- 525 (iii) a communication solely with legal counsel;
- 526 (iv) a communication solely with the sponsors of an initiative or referendum;
- 527 (v) a communication solely with a land developer for a project permitted by a local  
528 land use law that is challenged by a proposed referendum or a referendum; or
- 529 (vi) a communication solely with a person involved in a business transaction directly  
530 relating to a project described in Subsection (5)(d)(v).
- 531 (6) A violation of this section does not invalidate an otherwise valid election.
- 532 (7) An email sent in violation of Subsection (1), as determined by the records officer,  
533 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of  
534 Title 63G, Chapter 2, Government Records Access and Management Act,  
535 notwithstanding any applicability of Subsection [63G-2-103(25)(b)(i)]  
536 63G-2-103(28)(b)(i).

537 Section 3. Section **63A-12-117** is enacted to read:

538 **63A-12-117 . Summary of government records requirements -- Provision to**  
539 **employee of a governmental entity.**

540 (1) As used in this section:



- 541 (a) "Summary" means the one-page summary developed and updated by the division  
542 under Subsection (2).
- 543 (b) "Summary" includes, in relation to a governmental entity that adopts an ordinance or  
544 policy under Section 63G-2-701, the supplement developed and updated by the  
545 governmental entity in accordance with Subsection (3).
- 546 (2) The division shall:
- 547 (a) before September 1, 2025, develop a one-page summary of Title 63G, Chapter 2,  
548 Government Records Access and Management Act, to instruct an employee of a  
549 governmental entity on legal requirements relating to records, including information  
550 on:
- 551 (i) a citizen's ability to access public records;  
552 (ii) the classification and retention of records;  
553 (iii) the confidentiality of records that are not public records;  
554 (iv) criminal penalties relating to government records; and  
555 (v) where the employee may obtain additional information on questions relating to  
556 government records;
- 557 (b) update the summary before September 1 each year; and  
558 (c) post a copy of the summary in a conspicuous place on the division's website.
- 559 (3) A governmental entity that adopts an ordinance or policy under Section 63G-2-701 shall:
- 560 (a) before November 1, 2025, develop a supplement to the summary described in  
561 Subsection (2) that:
- 562 (i) describes provisions in the ordinance or policy that differ from, or add to, the  
563 provisions of the summary described in Subsection (2); and  
564 (ii) does not exceed one page;
- 565 (b) update the supplement before November 1 each year; and  
566 (c) post a copy of the supplement, with the summary described in Subsection (2), in a  
567 conspicuous place on the governmental entity's website.
- 568 (4) A governmental entity described in Subsection (3) shall:
- 569 (a) on an annual basis, within 30 days after the day on which the governmental entity  
570 develops or updates the supplement described in Subsection (3), provide each  
571 employee of the governmental entity with a copy of the summary; and  
572 (b) within 30 days after the day on which the governmental entity hires an employee,  
573 provide the employee with a copy of the summary.
- 574 (5) A governmental entity, other than a governmental entity described in Subsection (3),

575 shall:

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

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

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

582 **63G-2-102 . Legislative intent.**

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

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

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

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

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

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

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

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

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

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

601 (f) establish fair and reasonable records management practices.

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

603 **63G-2-103 . Definitions.**

604 As used in this chapter:

605 (1) "Audit" means:

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

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

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

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

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

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

619 ~~[(3)]~~ (4) "Classification[;]" ["classify," and their derivative forms mean determining whether]  
 620 means the designation of a record series, record, or information within a record [is] as:

621 (a) public[;] ;

622 (b) private[;] ;

623 (c) controlled[;] ;

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

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

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

628 ~~[(4)]~~ (6)(a) "Computer program" means:

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

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

634 (b) "Computer program" does not mean:

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

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

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

641 ~~[(5)]~~ (7)(a) "Contractor" means:

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

- 643 services directly to a governmental entity; or
- 644 (ii) ~~[any]~~ a private, nonprofit organization that receives funds from a governmental
- 645 entity.
- 646 (b) "Contractor" does not ~~[mean]~~ include a private provider.
- 647 ~~[(6)]~~ (8) "Controlled record" means a record containing data ~~[on individuals]~~ on an individual
- 648 that is controlled as ~~[provided by]~~ described in Section 63G-2-304.
- 649 ~~[(7)]~~ (9) ~~["Designation," "designate," and their derivative forms mean indicating]~~
- 650 "Designate," in relation to a record series, means, based on a governmental entity's
- 651 familiarity with a record series or based on a governmental entity's review of a
- 652 reasonable sample of a record series, specifying the primary classification that a
- 653 majority of records in a record series would be given if classified and the classification
- 654 that other records typically present in the record series would be given if classified.
- 655 ~~[(8)]~~ (10) "Elected official" means ~~[each person]~~ an individual elected to a state office,
- 656 county office, municipal office, school board or school district office, special district
- 657 office, or special service district office, but does not include judges.
- 658 ~~[(9)]~~ (11) "Explosive" means a chemical compound, device, or mixture:
- 659 (a) commonly used or intended for the purpose of producing an explosion; and
- 660 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 661 quantities, or packing so that:
- 662 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 663 compound or mixture may cause a sudden generation of highly heated gases; and
- 664 (ii) the resultant gaseous pressures are capable of:
- 665 (A) producing destructive effects on contiguous objects; or
- 666 (B) causing death or serious bodily injury.
- 667 ~~[(10)]~~ (12) "Government audit agency" means any governmental entity that conducts an
- 668 audit.
- 669 ~~[(11)]~~ (13)(a) "Governmental entity" means:
- 670 (i) executive department agencies of the state, the offices of the governor, lieutenant
- 671 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
- 672 and Parole, the Board of Examiners, the National Guard, the Career Service
- 673 Review Office, the State Board of Education, the Utah Board of Higher
- 674 Education, and the State Archives;
- 675 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
- 676 Analyst, Office of Legislative Research and General Counsel, the Legislature, and

677 legislative committees, except any political party, group, caucus, or rules or sifting  
678 committee of the Legislature;

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

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

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

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

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

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

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

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

698 (v) the Utah Independent Redistricting Commission; and

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

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

703 ~~[(12)]~~ (14) "Gross compensation" means every form of remuneration payable for a given  
704 period to an individual for services provided including salaries, commissions, vacation  
705 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,  
706 and any similar benefit received from the individual's employer.

707 ~~[(13)]~~ (15) "Individual" means a human being.

708 ~~[(14)]~~ (16)(a) "Initial contact report" means an initial written or recorded report, however  
709 titled, prepared by ~~[peace officers]~~ a peace officer who is engaged in public patrol or  
710 response duties [describing] that describes official actions initially taken in response

711 to ~~[either]~~ a public complaint about or the discovery of an apparent violation of law,  
 712 which report may describe:

- 713 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 714 (ii) ~~[names of victims]~~ the victim's name;
- 715 (iii) the nature or general scope of the agency's initial actions taken in response to the  
 716 incident;
- 717 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 718 (v) the name, address, and other identifying information about ~~[any person]~~ an  
 719 individual who is arrested or charged in connection with the incident; or
- 720 (vi) the identity of the public safety personnel, except undercover personnel, or  
 721 prosecuting attorney involved in responding to the initial incident.

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

- 723 (i) a follow-up or investigative ~~[reports]~~ report prepared after the initial contact report[  
 724 However, if the information specified in Subsection (14)(a) appears in follow-up  
 725 or investigative reports, it may only be treated confidentially if it is private,  
 726 controlled, protected, or exempt from disclosure under Subsection 63G-2-201  
 727 (3)(b).] ; or

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

730 ~~[(15)]~~ (17) "Legislative body" means the Legislature.

731 ~~[(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.

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

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

738 ~~[(17) "Person" means:]~~

739 ~~[(a) an individual;]~~

740 ~~[(b) a nonprofit or profit corporation;]~~

741 ~~[(c) a partnership;]~~

742 ~~[(d) a sole proprietorship;]~~

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

- 744 ~~[(f) any combination acting in concert with one another.]~~
- 745 [(18)] (20) "Personal identifying information" means the same as that term is defined in  
746 Section 63A-12-100.5.
- 747 [(19)] (21) "Privacy annotation" means the same as that term is defined in Section  
748 63A-12-100.5.
- 749 [(20)] (22) "Private provider" means any person who contracts with a governmental entity to  
750 provide services directly to the public.
- 751 [(21)] (23) "Private record" means a record containing data on ~~[individuals]~~ an individual  
752 that is private as provided by Section 63G-2-302.
- 753 [(22)] (24) "Protected record" means a record that is classified protected as provided by  
754 Section 63G-2-305.
- 755 [(23)] (25) "Public record" means a record that is not private, controlled, or protected and  
756 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 757 [(24)] (26) "Reasonable search" means a search that is:
- 758 (a) reasonable in scope and intensity; and
- 759 (b) not unreasonably burdensome for the government entity.
- 760 (27) "Reasonable specificity" means a request for a record or multiple records that:
- 761 (a) describes the requested records' scope, nature, content, or subject; and
- 762 (b) for records that will be searched electronically, specifies the names, words, or  
763 symbols to be used as search terms.
- 764 [(25)] (28)(a) "Record" means ~~[a book, letter, document, paper, map, plan, photograph,~~  
765 ~~film, card, tape, recording, electronic data, or other documentary material regardless~~  
766 ~~of physical form or characteristics]~~ recorded information, regardless of medium,  
767 characteristics, or location:
- 768 (i) that is prepared, owned, ~~[received,]~~ or retained by a governmental entity or  
769 political subdivision; and
- 770 (ii) where all of the information in the original is reproducible by photocopy or other  
771 mechanical or electronic means.
- 772 (b) "Record" does not include:
- 773 (i) a personal note or personal communication prepared or received by an employee  
774 or officer of a governmental entity:
- 775 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 776 (B) that is unrelated to the conduct of the public's business;
- 777 (ii) a temporary draft or similar material prepared for the originator's personal use or

- 778 prepared by the originator for the personal use of an individual for whom the  
779 originator is working;
- 780 (iii) material that is legally owned by an individual in the individual's private capacity;
- 781 (iv) material to which access is limited by the laws of copyright or patent unless the  
782 copyright or patent is owned by a governmental entity or political subdivision;
- 783 (v) proprietary software;
- 784 (vi) junk mail or a commercial publication received by a governmental entity or an  
785 official or employee of a governmental entity;
- 786 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
787 of a library open to the public;
- 788 (viii) material that is cataloged, indexed, or inventoried and contained in the  
789 collections of a library open to the public, regardless of physical form or  
790 characteristics of the material;
- 791 (ix) a daily calendar[-];
- 792 (x) a note prepared by the originator for the originator's own use or for the sole use of  
793 an individual for whom the originator is working;
- 794 (xi) a computer program that is developed or purchased by or for [any] a  
795 governmental entity for [its] the governmental entity's own use;
- 796 (xii) a note or internal memorandum prepared as part of the deliberative process by:  
797 (A) a member of the judiciary;  
798 (B) an administrative law judge;  
799 (C) a member of the Board of Pardons and Parole; or  
800 (D) a member of any other body, other than an association or appeals panel as  
801 defined in Section 53G-7-1101, charged by law with performing a  
802 quasi-judicial function;
- 803 (xiii) a telephone number or similar code used to access a mobile communication  
804 device that is used by an employee or officer of a governmental entity, provided  
805 that the employee or officer of the governmental entity has designated at least one  
806 business telephone number that is a public record as provided in Section  
807 63G-2-301;
- 808 (xiv) information provided by the Public Employees' Benefit and Insurance Program,  
809 created in Section 49-20-103, to a county to enable the county to calculate the  
810 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 811 (xv) information that an owner of unimproved property provides to a local entity as



812 provided in Section 11-42-205;

813 (xvi) a video or audio recording of an interview, or a transcript of the video or audio  
814 recording, that is conducted at a Children's Justice Center established under  
815 Section 67-5b-102;

816 (xvii) child sexual abuse material, as defined by Section 76-5b-103;

817 (xviii) before final disposition of an ethics complaint occurs, a video or audio  
818 recording of the closed portion of a meeting or hearing of:

819 (A) a Senate or House Ethics Committee;

820 (B) the Independent Legislative Ethics Commission;

821 (C) the Independent Executive Branch Ethics Commission, created in Section  
822 63A-14-202; or

823 (D) the Political Subdivisions Ethics Review Commission established in Section  
824 63A-15-201;

825 (xix) confidential communication described in Section 58-60-102, 58-61-102, or  
826 58-61-702;

827 (xx) any item described in Subsection (25)(a) that is:

828 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and

829 (B) shared between any of the following entities:

830 (I) the Division of Risk Management;

831 (II) the Office of the Attorney General;

832 (III) the governor's office; or

833 (IV) the Legislature; [ø]

834 (xxi) the email address that a candidate for elective office provides to a filing officer  
835 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv)[-]; or

836 (xxii) education records, as that term is defined in 20 U.S.C. Sec. 1232g(a)(4) of the  
837 Family Educational Rights and Privacy Act, regardless of whether the education  
838 records were requested before May 7, 2025, or on or after May 7, 2025.

839 [(26)] (29) "Record request" means a request for a record under Section 63G-2-204.

840 (30) "Record series" means a group of records that may be treated as a unit for purposes of  
841 designation, description, management, or disposition.

842 [(27)] (31) "Records officer" means [the] an individual appointed by [the] a chief  
843 administrative officer of each governmental entity[-] in accordance with Section  
844 63A-12-103, or [the] by a political subdivision, to work with state archives in the care,  
845 maintenance, scheduling, designation, classification, disposal, and preservation of

846 records.

847 [~~(28)~~] (32) "Schedule," [~~"scheduling," and their derivative forms mean~~] when used as a verb,  
848 means:

849 (a) the process of specifying the length of time each record series should be retained by a  
850 governmental entity for administrative, legal, fiscal, or historical purposes; and

851 (b) when each record series should be transferred to the state archives or destroyed.

852 [~~(29)~~] (33) "Sponsored research" means research, training, and other sponsored activities as  
853 defined by the federal Executive Office of the President, Office of Management and  
854 Budget:

855 (a) conducted:

856 (i) by an institution within the state system of higher education defined in Section  
857 53B-1-102; and

858 (ii) through an office responsible for sponsored projects or programs; and

859 (b) funded or otherwise supported by an external:

860 (i) person that is not created or controlled by the institution within the state system of  
861 higher education; or

862 (ii) federal, state, or local governmental entity.

863 [~~(30)~~] (34) "State archives" means the Division of Archives and Records Service created in  
864 Section 63A-12-101.

865 [~~(31)~~] (35) "State archivist" means the director of the state archives.

866 [~~(32)~~] (36) "State Records Committee" means the State Records Committee created in  
867 Section 63G-2-501.

868 [~~(33)~~] (37) "Summary data" means statistical records and compilations that contain data  
869 derived from private, controlled, or protected information but that do not disclose  
870 private, controlled, or protected information.

871 Section 6. Section **63G-2-107** is amended to read:

872 **63G-2-107 . Disclosure of records subject to federal law or other provisions of**  
873 **state law.**

874 (1)(a) The disclosure of a record to which access is governed or limited pursuant to court  
875 rule, another state statute, federal statute, or federal regulation, including a record for  
876 which access is governed or limited as a condition of participation in a state or  
877 federal program or for receiving state or federal funds, is governed by the specific  
878 provisions of that statute, rule, or regulation.

879 (b) Except as provided in [~~Subsections (2) and (3)~~] Subsection (2), this chapter applies to

- 880 records described in Subsection (1)(a) to the extent that this chapter is not  
 881 inconsistent with the statute, rule, or regulation.
- 882 (2) Except as provided in Subsection~~[(4)]~~ (3), this chapter does not apply to a record  
 883 containing protected health information as defined in 45 C.F.R., Part 164, Standards for  
 884 Privacy of Individually Identifiable Health Information, if the record is:
- 885 (a) controlled or maintained by a governmental entity; and  
 886 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually  
 887 Identifiable Health Information.
- 888 ~~[(3) The disclosure of an education record as defined in the Family Educational Rights and  
 889 Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity is  
 890 governed by the Family Educational Rights and Privacy Act, 34 C.F.R.  
 891 Part 99.]~~
- 892 ~~[(4)]~~ (3) This section does not exempt any record or record series from the provisions of  
 893 Subsection 63G-2-601(1).
- 894 Section 7. Section **63G-2-201** is amended to read:
- 895 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**  
 896 **protected, and other restricted records -- Disclosure and nondisclosure of records --**  
 897 **Certified copy of record -- Limits on obligation to respond to record request.**
- 898 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public  
 899 record free of charge, and the right to take a copy of a public record during normal  
 900 working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 901 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 902 (i) a copy of which the governmental entity has already provided to the person;  
 903 (ii) that is the subject of a records request that the governmental entity is not required  
 904 to fill under Subsection (7)(a)(v); or  
 905 (iii)(A) that is accessible only by a computer or other electronic device owned or  
 906 controlled by the governmental entity;  
 907 (B) that is part of an electronic file that also contains a record that is private,  
 908 controlled, or protected; and  
 909 (C) that the governmental entity cannot readily segregate from the part of the  
 910 electronic file that contains a private, controlled, or protected record.
- 911 (2) A record is public unless otherwise expressly provided by statute.
- 912 (3) The following records are not public:
- 913 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,

- 914 63G-2-304, and 63G-2-305; and
- 915 (b) a record to which access is restricted pursuant to court rule, another state statute,  
916 federal statute, or federal regulation, including records for which access is governed  
917 or restricted as a condition of participation in a state or federal program or for  
918 receiving state or federal funds.
- 919 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305  
920 may be classified private, controlled, or protected.
- 921 (5)(a) A governmental entity may not disclose a record that is private, controlled, or  
922 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),  
923 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 924 (b) A governmental entity may disclose a record that is private under Subsection  
925 63G-2-302(2) or protected under Section 63G-2-305 to ~~[persons]~~ a person other than [  
926 ~~those~~] a person specified in Section 63G-2-202 or 63G-2-206 if the ~~[head of a~~  
927 ~~governmental entity, or a designee,]~~ chief administrative officer or records officer  
928 determines that:
- 929 (i) there is no interest in restricting access to the record; or  
930 (ii) the interests favoring access are greater than or equal to the interest favoring  
931 restriction of access.
- 932 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may  
933 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 934 (i) the ~~[head of the governmental entity, or a designee,]~~ chief administrative officer or  
935 records officer determines that the disclosure:
- 936 (A) is mutually beneficial to:
- 937 (I) the subject of the record;  
938 (II) the governmental entity; and  
939 (III) the public; and
- 940 (B) serves a public purpose related to:
- 941 (I) public safety; or  
942 (II) consumer protection; and
- 943 (ii) the person who receives the record from the governmental entity agrees not to use  
944 or allow the use of the record for advertising or solicitation purposes.
- 945 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 946 (a) the person requesting the record has a right to inspect it;  
947 (b) the person identifies the record with reasonable specificity; and

- 948 (c) the person pays the lawful fees.
- 949 (7)(a) In response to a request, a governmental entity is not required to:
- 950 (i) create a record;
- 951 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 952 (iii) provide a record in a particular format, medium, or program not currently
- 953 maintained by the governmental entity;
- 954 (iv) fulfill a person's records request if the request unreasonably duplicates prior
- 955 records requests from that person;
- 956 (v) fill a person's records request if:
- 957 (A) the record requested is:
- 958 (I) publicly accessible online; or
- 959 (II) included in a public publication or product produced by the governmental
- 960 entity receiving the request; and
- 961 (B) the governmental entity:
- 962 (I) specifies to the person requesting the record where the record is accessible
- 963 online; or
- 964 (II) provides the person requesting the record with the public publication or
- 965 product and specifies where the record can be found in the public
- 966 publication or product; or
- 967 (vi) fulfill a person's records request if:
- 968 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 969 requester;
- 970 (B) the State Records Committee order determining the person to be a vexatious
- 971 requester provides that the governmental entity is not required to fulfill a
- 972 request from the person for a period of time; and
- 973 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 974 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 975 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 976 person who submitted the records request, compile, format, manipulate, package,
- 977 summarize, or tailor information or provide a record in a format, medium, or program
- 978 not currently maintained by the governmental entity.
- 979 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
- 980 governmental entity may consider whether the governmental entity is able to fulfill
- 981 the request without unreasonably interfering with the governmental entity's duties

982 and responsibilities.

983 (c) A governmental entity may require a person who makes a request under Subsection  
984 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for  
985 providing the information or record as requested.

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

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

- 992 (i) the first five record requests submitted to the governmental entity by or in behalf  
993 of an individual described in Subsection (9)(a) during any calendar year  
994 requesting only a record that contains a specific reference to the individual; or  
995 (ii) a record request that is submitted by an attorney of an individual described in  
996 Subsection (9)(a).

997 (10)(a) A governmental entity may allow a person requesting more than 50 pages of  
998 records to copy the records if:

- 999 (i) the records are contained in files that do not contain records that are exempt from  
1000 disclosure, or the records may be segregated to remove private, protected, or  
1001 controlled information from disclosure; and  
1002 (ii) the governmental entity provides reasonable safeguards to protect the public from  
1003 the potential for loss of a public record.

1004 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

- 1005 (i) provide the requester with the facilities for copying the requested records and  
1006 require that the requester make the copies; or  
1007 (ii) allow the requester to provide the requester's own copying facilities and personnel  
1008 to make the copies at the governmental entity's offices and waive the fees for  
1009 copying the records.

1010 (11)(a) A governmental entity that owns an intellectual property right and that offers the  
1011 intellectual property right for sale or license may control by ordinance or policy the  
1012 duplication and distribution of the material based on terms the governmental entity  
1013 considers to be in the public interest.

1014 (b) Nothing in this chapter [~~shall be construed to limit or impair~~] limits or impairs the  
1015 rights or protections granted to the governmental entity under federal copyright or

1016 patent law as a result of ~~[its ownership of]~~ the intellectual property right ownership.

1017 (12) A governmental entity may not use the physical form, electronic or otherwise, in  
 1018 which a record is stored to deny~~[-]~~ or unreasonably hinder the rights of a person to  
 1019 inspect and receive a copy of a record under this chapter.

1020 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide  
 1021 access to an electronic copy of a record in lieu of providing access to ~~[its]~~ the record's  
 1022 paper equivalent if:

1023 (a) the person making the request requests or states a preference for an electronic copy;

1024 (b) the governmental entity currently maintains the record in an electronic format that is  
 1025 reproducible and may be provided without reformatting or conversion; and

1026 (c) the electronic copy of the record:

1027 (i) does not disclose other records that are exempt from disclosure; or

1028 (ii) may be segregated to protect private, protected, or controlled information from  
 1029 disclosure without the undue expenditure of public resources or funds.

1030 (14) In determining whether a record is properly classified as private under Subsection  
 1031 63G-2-302(2)(d), the governmental entity, State Records Committee, local appeals  
 1032 board, or court shall consider and weigh:

1033 (a) any personal privacy ~~[interests]~~ interest, including ~~[those]~~ a personal privacy interest  
 1034 in images, that would be affected by disclosure of the records~~[-in question]~~; and

1035 (b) any public ~~[interests]~~ interest served by disclosure.

1036 Section 8. Section **63G-2-203** is amended to read:

1037 **63G-2-203 . Fees.**

1038 (1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to  
 1039 cover the governmental entity's actual cost of providing a record.

1040 (b) A fee ~~[under]~~ described in Subsection (1)(a) shall be approved by the governmental  
 1041 entity's executive officer.

1042 (2)(a) When a governmental entity compiles a record in a form other than that normally  
 1043 maintained by the governmental entity, the actual costs under this section may  
 1044 include the following:

1045 (i) the cost of staff time for compiling, formatting, manipulating, packaging,  
 1046 summarizing, or tailoring the record either into an organization or media to meet  
 1047 the person's request;

1048 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for  
 1049 complying with a request; and

1050 (iii) ~~[in the case of fees]~~for a record that is the result of computer output other than  
 1051 word processing, the actual incremental cost of providing the electronic services  
 1052 and products together with a reasonable portion of the costs associated with  
 1053 formatting or interfacing the information for particular users, and the  
 1054 administrative costs as set forth in Subsections (2)(a)(i) and (ii).

1055 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest  
 1056 paid employee who, in the discretion of the custodian of records, has the necessary  
 1057 skill and training to perform the request.

1058 (3)(a) Fees shall be established as provided in this Subsection (3).

1059 (b) A governmental entity with fees established by the Legislature:

1060 (i) shall establish the fees defined in Subsection (2), or other actual costs associated  
 1061 with this section through the budget process; and

1062 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature  
 1063 establishes fees through the budget process.

1064 (c) Political subdivisions shall establish fees by ordinance or written formal policy  
 1065 adopted by the governing body.

1066 (d) The judiciary shall establish fees by rules of the judicial council.

1067 (4) A governmental entity may fulfill a record request without charge and is encouraged to  
 1068 do so if it determines that:

1069 (a) releasing the record primarily benefits the public rather than a person;

1070 (b) the individual requesting the record is the subject of the record, or an individual  
 1071 specified in Subsection 63G-2-202(1) or (2); or

1072 (c) the requester's legal rights are directly implicated by the information in the record,  
 1073 and the requester is impecunious.

1074 ~~[(5)(a) As used in this Subsection (5), "media representative":]~~

1075 ~~[(i) means a person who requests a record to obtain information for a story or report  
 1076 for publication or broadcast to the general public; and]~~

1077 ~~[(ii) does not include a person who requests a record to obtain information for a blog,  
 1078 podcast, social media account, or other means of mass communication generally  
 1079 available to a member of the public.]~~

1080 ~~[(b)]~~ (5)(a) A governmental entity may not charge a fee for:

1081 (i) reviewing a record to determine whether it is subject to disclosure, except as  
 1082 permitted by Subsection (2)(a)(ii);

1083 (ii) inspecting a record; or



1084 (iii) the first quarter hour of staff time spent in responding to a request under Section  
1085 63G-2-204.

1086 ~~[(e)]~~ (b) Notwithstanding Subsection ~~[(5)(b)(iii)]~~ (5)(a)(iii), a governmental entity is not  
1087 prevented from charging a fee for the first quarter hour of staff time spent in  
1088 responding to a request under Section 63G-2-204 if the person who submits the  
1089 request:

1090 (i) is not a Utah media representative; and

1091 (ii) previously submitted a separate request within the 10-day period immediately  
1092 before the date of the request to which the governmental entity is responding.

1093 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver  
1094 under Subsection (4) may appeal the denial in the same manner as ~~[a person appeals~~  
1095 ~~when inspection of a public record is denied]~~ a denial under Section 63G-2-205.

1096 (b) The adjudicative body hearing the appeal:

1097 (i) shall review the fee waiver de novo~~[-but]~~ ;

1098 (ii) notwithstanding Subsection (6)(b)(i), shall review and consider the governmental  
1099 entity's denial of the fee waiver and any determination under Subsection (4); and

1100 ~~[(ii)]~~ (iii) has the same authority when a fee waiver or reduction is denied as [it] the  
1101 adjudicative body has when the inspection of a public record is denied.

1102 (c) An adjudicative body hearing an appeal under this Subsection (6) is not required to  
1103 schedule a hearing if the adjudicative body previously upheld a fee waiver denial for  
1104 a fee charged under this section:

1105 (i) for the same records; or

1106 (ii) under the same facts or circumstances applicable to the matter appealed under this  
1107 Subsection (6).

1108 (7)(a) If a governmental entity denies a fee waiver request under this section, the  
1109 governmental entity shall provide the requester with the estimated cost of fulfilling  
1110 the record request.

1111 (b) The governmental entity shall provide the requester with an opportunity, no later  
1112 than 10 business days after the day on which the governmental entity provides notice  
1113 of the estimated cost, to:

1114 (i) approve the estimated fees;

1115 (ii) request a fee waiver under Subsection (4); or

1116 (iii) cancel the record request.

1117 (c) If the requester fails to respond within the time described in Subsection (7)(b), the

1118 governmental entity may not consider the request.

1119 (d) Nothing in this Subsection (7) prevents a requester from submitting a new record  
1120 request.

1121 ~~[(7)]~~ (8)(a) All fees received under this section by a governmental entity subject to  
1122 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1123 (b) Those funds shall be used to recover the actual cost and expenses incurred by the  
1124 governmental entity in providing the requested record or record series.

1125 ~~[(8)]~~ (9)(a) ~~[A]~~ Subject to Subsections (9)(c) and (d), a governmental entity may require  
1126 payment of past fees and future estimated fees before beginning to process a request  
1127 if:

1128 (i) fees are expected to exceed \$50; or

1129 (ii) the requester has not paid fees from a previous [requests] request.

1130 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1131 (c) A governmental entity that receives a request from a requester that has not paid fees  
1132 owed by the requester for a previous request may refuse to respond to the request  
1133 until the requester pays the amount owed for the previous request, if, within the time  
1134 period described in Subsection 63G-2-204(4), the governmental entity notifies the  
1135 requester, in writing:

1136 (i) of the amount owed for the previous request;

1137 (ii) of the request to which the amount owed relates; and

1138 (iii) that the governmental entity will not respond to the request until the requester  
1139 pays the amount owed for the previous request.

1140 (d) The notification described in Subsection (9)(c) is not a denial under Section  
1141 63G-2-205.

1142 ~~[(9)]~~ (10) This section does not alter, repeal, or reduce fees established by other statutes or  
1143 legislative acts.

1144 ~~[(10)]~~ (11)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall  
1145 be set as provided in this Subsection ~~[(10)]~~ (11).

1146 (b) The lieutenant governor shall:

1147 (i) after consultation with county clerks, establish uniform fees for voter registration  
1148 and voter history records that meet the requirements of this section; and

1149 (ii) obtain legislative approval of those fees by following the procedures and  
1150 requirements of Section 63J-1-504.

1151 Section 9. Section **63G-2-204** is amended to read:

1152 **63G-2-204 . Record request -- Response -- Time for responding.**

1153 (1)(a) A person [~~making a request for a record~~] who makes a record request shall submit  
1154 to the governmental entity that retains the record a written request containing:

1155 (i) the person's:

1156 (A) name;

1157 (B) mailing address;

1158 (C) email address, if the person has an email address and is willing to accept  
1159 communications by email relating to the person's [~~records request~~] record  
1160 request; and

1161 (D) daytime telephone number; and

1162 (ii) a description of the record requested that identifies the record with reasonable  
1163 specificity.

1164 (b)(i) A single record request may not be submitted to multiple governmental entities.

1165 (ii) Subsection (1)(b)(i) [~~may not be construed to~~] does not prevent a person from  
1166 submitting a separate record request to [~~each of~~] multiple governmental entities,  
1167 even if each [~~of the separate requests~~] separate request seeks access to the same  
1168 record.

1169 (c) When making a record request, the requester may seek an expedited response to the  
1170 request if the requester provides an explanation of how the expedited response  
1171 benefits the public rather than the requester.

1172 (2)(a) In response to a [~~request for a record~~] record request, a governmental entity may  
1173 not provide a record that [~~it has received~~] the governmental entity receives under  
1174 Section 63G-2-206 as a shared record.

1175 (b) If a governmental entity is prohibited from providing a record under Subsection (2)(a),  
1176 the governmental entity shall:

1177 (i) deny the [~~records~~] record request; and

1178 (ii) [~~inform the person making the request of the identity~~] provide the requester with  
1179 the name of the governmental entity from which the shared record was received.

1180 (3) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah  
1181 Administrative Rulemaking Act, specifying where and to whom [~~requests for access~~  
1182 ~~shall be~~] a record request is directed.

1183 [~~(4) After receiving a request for a record, a governmental entity shall:~~]

1184 [(a) review each request that seeks an expedited response and notify, within five

1185 business days after receiving the request, each requester that has not demonstrated

- 1186 that their record request benefits the public rather than the person that their response  
 1187 will not be expedited; and]
- 1188 [(b) as soon as reasonably possible, but no later than 10 business days after receiving a  
 1189 written request, or five business days after receiving a written request if the requester  
 1190 demonstrates that expedited response to the record request benefits the public rather  
 1191 than the person:]
- 1192 [(i) approve the request and provide a copy of the record;]
- 1193 [(ii) deny the request in accordance with the procedures and requirements of Section  
 1194 63G-2-205;]
- 1195 [(iii) notify the requester that it does not maintain the record requested and provide, if  
 1196 known, the name and address of the governmental entity that does maintain the  
 1197 record; or]
- 1198 [(iv) notify the requester that because of one of the extraordinary circumstances listed  
 1199 in Subsection (6), it cannot immediately approve or deny the request, and include  
 1200 with the notice:]
- 1201 [(A) a description of the circumstances that constitute the extraordinary  
 1202 circumstances; and]
- 1203 [(B) the date when the records will be available, consistent with the requirements  
 1204 of Subsection (7).]
- 1205 [(5)] (4) After a governmental entity receives a written record request, if the requester seeks  
 1206 an expedited response in accordance with Subsection (1)(c), the governmental entity  
 1207 shall:
- 1208 (a) review the request to determine if an expedited response:
- 1209 (i) is warranted, because the expedited response benefits the public rather than the  
 1210 requester as described in Subsection (1)(c); and
- 1211 (ii) is reasonably possible under the circumstances;
- 1212 (b) no later than five business days after the day on which the governmental entity  
 1213 receives the request:
- 1214 (i) if the governmental entity determines that an expedited response is warranted and  
 1215 reasonably possible under the circumstances, respond to the record request in  
 1216 accordance with the requirements of this chapter; or
- 1217 (ii) if the governmental entity determines that an expedited response is not warranted  
 1218 or is not reasonably possible under the circumstances:
- 1219 (A) deny the request for an expedited response;

- 1220 (B) notify the requester of the determination and the grounds for the  
 1221 determination; and
- 1222 (C) inform the requester that the governmental entity will respond to the record  
 1223 request as a non-expedited request, in accordance with the requirements of law;  
 1224 and
- 1225 (c) if the governmental entity denies the request for an expedited response under  
 1226 Subsection (4)(b)(ii), respond to the record request under Subsection (5).
- 1227 (5) After a governmental entity receives a record request, if the requester does not seek an  
 1228 expedited response in accordance with Subsection (1)(c), or if the governmental entity  
 1229 denies a request for an expedited response under Subsection (4)(b)(ii), the governmental  
 1230 entity shall, no later than 15 business days after the day on which the governmental  
 1231 entity receives the request:
- 1232 (a) approve the request and provide the requester with a copy of the record;
- 1233 (b) approve the request, subject to the payment of a fee in accordance with Section  
 1234 63G-2-203;
- 1235 (c) deny the request in accordance with Section 63G-2-205;
- 1236 (d) notify the requester that the governmental entity does not retain the record and  
 1237 provide the requester with the name and address of the governmental entity that  
 1238 maintains the record, if known;
- 1239 (e) notify the requester that the governmental entity:
- 1240 (i) conducted a reasonable search for the record; and
- 1241 (ii) was unable to locate a record that is responsive to the request; or
- 1242 (f) notify the requester that because of an exceptional circumstance, as described in  
 1243 Subsection (7), the governmental entity is unable to immediately approve or deny the  
 1244 record request, and include with the notice:
- 1245 (i) a description of the circumstance that constitutes the exceptional circumstance; and  
 1246 (ii) the anticipated date when the record request will be fulfilled.
- 1247 (6) [~~Any person who requests a record~~] A media representative who makes a record request  
 1248 to obtain information for a story or report for publication or broadcast to the general  
 1249 public is presumed to be acting to benefit the public rather than [~~a person~~] the media  
 1250 representative.
- 1251 [(6)] (7) The following circumstances constitute [~~"extraordinary circumstances"~~] exceptional  
 1252 circumstances that allow a governmental entity to delay approval or denial by an  
 1253 additional period of time as [~~specified~~] described in Subsection [(7)] (8) if the

- 1254 governmental entity determines that, due to the [~~extraordinary circumstances~~ it]  
 1255 exceptional circumstances, the governmental entity cannot respond within the time [  
 1256 ~~limits provided in Subsection (4)] described in Subsection (5):~~
- 1257 (a) another governmental entity is using the record, in which case the originating  
 1258 governmental entity shall promptly request that the governmental entity currently in  
 1259 possession return the record;
- 1260 (b) another governmental entity is using the record as part of an audit, and returning the  
 1261 record before the completion of the audit would impair the conduct of the audit;
- 1262 (c)(i) the request is for a voluminous quantity of records or a record series containing  
 1263 a substantial number of records; or
- 1264 (ii) the requester seeks a substantial number of records or records series in requests  
 1265 filed within five working days of each other;
- 1266 (d) the governmental entity is currently processing a large number of records requests;
- 1267 (e) the request requires the governmental entity to review a large number of records to  
 1268 locate the records requested;
- 1269 (f) the decision to release a record involves legal issues that require the governmental  
 1270 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations,  
 1271 or case law;
- 1272 (g) segregating information that the requester is entitled to inspect from information that  
 1273 the requester is not entitled to inspect requires extensive time or editing; or
- 1274 (h) segregating information that the requester is entitled to inspect from information that  
 1275 the requester is not entitled to inspect requires computer programming.
- 1276 [~~(7)~~] (8) [~~If one of the extraordinary circumstances listed~~] If an exceptional circumstance  
 1277 described in Subsection [(6)] (7) precludes approval or denial within the time [specified  
 1278 in Subsection (4)] described in Subsection (5), the following time limits apply to the [  
 1279 ~~extraordinary circumstances] exceptional circumstance:~~
- 1280 (a) for claims under Subsection [~~(6)(a)] (7)(a), the governmental entity currently in~~  
 1281 possession of the record shall return the record to the originating entity within five  
 1282 business days [~~of~~] after the day of the request for the return, unless returning the  
 1283 record would impair the [~~holder's~~] governmental entity's work;
- 1284 (b) for claims under Subsection [~~(6)(b)] (7)(b), the originating governmental entity shall~~  
 1285 notify the requester when the record is available for inspection and copying;
- 1286 (c) for claims under [~~Subsections (6)(e), (d), and (e)] Subsection (7)(c), (d), or (e), the  
 1287 governmental entity shall:~~

- 1288 (i) disclose the records [~~that it has located which~~] the governmental entity locates that  
 1289 the requester is entitled to inspect;
- 1290 (ii) provide the requester with [~~an estimate of the amount of time it will take to finish~~  
 1291 ~~the work required~~] a time estimate that the governmental entity needs to respond to  
 1292 the request;
- 1293 (iii) complete the work and disclose those records that the requester is entitled to  
 1294 inspect as soon as reasonably possible; and
- 1295 (iv) for [~~any person~~] a person that does not establish a right to an expedited response  
 1296 as [~~authorized by~~] described in Subsection (4), a governmental entity may[~~-choose~~  
 1297 ~~to~~]:
- 1298 (A) require the person to [~~provide for copying of the records as provided~~] copy the  
 1299 records as described in Subsection 63G-2-201(10); or
- 1300 (B) [~~treat a request for multiple records as separate record requests, and respond~~  
 1301 ~~sequentially to each request;~~] treat a request for multiple records as multiple  
 1302 requests and respond to each request separately;
- 1303 (d) for claims under Subsection [~~(6)(f)~~] (7)(f), the governmental entity shall either  
 1304 approve or deny the request within five business days after the [~~response time~~  
 1305 ~~specified for the original request has expired~~] day of the deadline described in  
 1306 Subsection (5);
- 1307 (e) for claims under Subsection [~~(6)(g)~~] (7)(g), the governmental entity shall, to the  
 1308 extent reasonably possible, fulfill the request [~~within 15~~] no later than 20 business  
 1309 days [~~from the date of the original request~~] after the day on which the governmental  
 1310 entity receives the request; or
- 1311 (f) for claims under Subsection [~~(6)(h)~~] (7)(h), the governmental entity shall complete [~~its~~]  
 1312 the necessary computer programming and disclose the requested records as soon as  
 1313 reasonably possible and no later than 12 months from the day the governmental entity  
 1314 receives the request.
- 1315 [~~(8)~~] (9)(a) [~~If a request for access is submitted to~~] If an office of a governmental entity,  
 1316 other than that specified by rule in accordance with Subsection (3), receives a record  
 1317 request, the office shall promptly forward the request to the appropriate office.
- 1318 (b) If the request is forwarded promptly, the time limit for response begins when the  
 1319 request is received by the office specified by rule.
- 1320 [~~(9)~~] (10) [~~If the governmental entity fails to provide the requested records or issue a denial~~  
 1321 within the specified time period, that failure is considered the equivalent of a

1322 ~~determination denying access to the record.]~~ If a governmental entity fails to respond to a  
1323 record request within the time allowed under this section, the failure to respond is  
1324 considered an access denial, as defined in Section 63G-2-400.5.

1325 Section 10. Section **63G-2-301** is amended to read:

1326 **63G-2-301 . Public records.**

1327 (1) As used in this section:

1328 (a) "Business address" means a single address of a governmental agency designated for  
1329 the public to contact an employee or officer of the governmental agency.

1330 (b) "Business email address" means a single email address of a governmental agency  
1331 designated for the public to contact an employee or officer of the governmental  
1332 agency.

1333 (c) "Business telephone number" means a single telephone number of a governmental  
1334 agency designated for the public to contact an employee or officer of the  
1335 governmental agency.

1336 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1337 (2) The following records are public except to the extent they contain information expressly  
1338 permitted to be treated confidentially under the provisions of Subsections  
1339 63G-2-201(3)(b) and (6)(a):

1340 (a) laws;

1341 (b) the name, gender, gross compensation, job title, job description, business address,  
1342 business email address, business telephone number, number of hours worked per pay  
1343 period, dates of employment, and relevant education, previous employment, and  
1344 similar job qualifications of a current or former employee or officer of the  
1345 governmental entity, excluding:

1346 (i) undercover law enforcement personnel; and

1347 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
1348 effectiveness of investigations or endanger any individual's safety;

1349 (c) final opinions, including concurring and dissenting opinions, and orders that are  
1350 made by a governmental entity in an administrative, adjudicative, or judicial  
1351 proceeding except that if the proceedings were properly closed to the public, the  
1352 opinion and order may be withheld to the extent that they contain information that is  
1353 private, controlled, or protected;

1354 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
1355 protected as provided in Subsection 63G-2-305(17) or (18);



- 1356 (e) information contained in or compiled from a transcript, minutes, or report of the open  
1357 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,  
1358 Open and Public Meetings Act, including the records of all votes of each member of  
1359 the governmental entity;
- 1360 (f) judicial records unless a court orders the records to be restricted under the rules of  
1361 civil or criminal procedure or unless the records are private under this chapter;
- 1362 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of  
1363 records filed with or maintained by county recorders, clerks, treasurers, surveyors,  
1364 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and  
1365 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the  
1366 Division of Water Rights, or other governmental entities that give public notice of:
- 1367 (i) titles or encumbrances to real property;
- 1368 (ii) restrictions on the use of real property;
- 1369 (iii) the capacity of persons to take or convey title to real property; or
- 1370 (iv) tax status for real and personal property;
- 1371 (h) records of the Department of Commerce that evidence incorporations, mergers, name  
1372 changes, and uniform commercial code filings;
- 1373 (i) data on individuals that would otherwise be private under this chapter if the  
1374 individual who is the subject of the record has given the governmental entity written  
1375 permission to make the records available to the public;
- 1376 (j) documentation of the compensation that a governmental entity pays to a contractor or  
1377 private provider;
- 1378 (k) summary data;
- 1379 (l) voter registration records, including an individual's voting history, except for a voter  
1380 registration record or those parts of a voter registration record that are classified as  
1381 private under Subsections 63G-2-302(1)(j) through (m) or withheld under Subsection  
1382 20A-2-104(7);
- 1383 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
1384 available, and email address, if available, where that elected official may be reached  
1385 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1386 (n) for a school community council member, a telephone number, if available, and email  
1387 address, if available, where that elected official may be reached directly as required  
1388 in Section 53G-7-1203;
- 1389 (o) annual audited financial statements of the Utah Educational Savings Plan described

- 1390 in Section 53B-8a-111; and
- 1391 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
1392 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1393 (3) The following records are normally public, but to the extent that a record is expressly  
1394 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
1395 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1396 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1397 (b) records documenting a contractor's or private provider's compliance with the terms  
1398 of a contract with a governmental entity;
- 1399 (c) records documenting the services provided by a contractor or a private provider to  
1400 the extent the records would be public if prepared by the governmental entity;
- 1401 (d) contracts entered into by a governmental entity;
- 1402 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
1403 by a governmental entity;
- 1404 (f) records relating to government assistance or incentives publicly disclosed, contracted  
1405 for, or given by a governmental entity, encouraging a person to expand or relocate a  
1406 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1407 (g) subject to Subsection (5), chronological logs and initial contact reports;
- 1408 (h) correspondence by and with a governmental entity in which the governmental entity  
1409 determines or states an opinion upon the rights of the state, a political subdivision,  
1410 the public, or any person;
- 1411 (i) empirical data contained in drafts if:
- 1412 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
1413 form; and
- 1414 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
1415 make nonsubstantive changes before release;
- 1416 (j) drafts that are circulated to anyone other than:
- 1417 (i) a governmental entity;
- 1418 (ii) a political subdivision;
- 1419 (iii) a federal agency if the governmental entity and the federal agency are jointly  
1420 responsible for implementation of a program or project that has been legislatively  
1421 approved;
- 1422 (iv) a government-managed corporation; or
- 1423 (v) a contractor or private provider;

- 1424 (k) drafts that have never been finalized but were relied upon by the governmental entity  
1425 in carrying out action or policy;
- 1426 (l) original data in a computer program if the governmental entity chooses not to  
1427 disclose the program;
- 1428 (m) arrest warrants after issuance, except that, for good cause, a court may order  
1429 restricted access to arrest warrants prior to service;
- 1430 (n) search warrants after execution and filing of the return, except that a court, for good  
1431 cause, may order restricted access to search warrants prior to trial;
- 1432 (o) records that would disclose information relating to formal charges or disciplinary  
1433 actions against a past or present governmental entity employee if:
- 1434 (i) the disciplinary action has been completed and all time periods for administrative  
1435 appeal have expired; and
- 1436 (ii) the charges on which the disciplinary action was based were sustained;
- 1437 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and  
1438 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
1439 evidence mineral production on government lands;
- 1440 (q) final audit reports;
- 1441 (r) occupational and professional licenses;
- 1442 (s) business licenses;
- 1443 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar  
1444 records used to initiate proceedings for discipline or sanctions against persons  
1445 regulated by a governmental entity, but not including records that initiate employee  
1446 discipline; and
- 1447 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
1448 the operation of a correctional facility or the care and control of inmates  
1449 committed to the custody of a correctional facility; and
- 1450 (ii) records that disclose the results of an audit or other inspection assessing a  
1451 correctional facility's compliance with a standard, regulation, policy, guideline, or  
1452 rule described in Subsection (3)(u)(i).
- 1453 (4) The list of public records in this section is not exhaustive and should not be used to limit  
1454 access to records.
- 1455 (5)(a) Subject to Subsection (5)(b), if information of the type described in Subsections  
1456 63G-2-103(16)(a)(i) through (vi) appears in a follow-up or investigative report  
1457 described in Subsection 63G-2-103(16)(b), the information contained in the

1458 follow-up or investigative report is public, unless the information is private,  
 1459 controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).  
 1460 (b) If a follow-up or investigative report described in Subsection 63G-2-103(16)(b) is  
 1461 expressly exempt from disclosure, the exemption and restriction of access described  
 1462 in Subsection (3) does not change based on the follow-up or investigative report  
 1463 containing any information included in an initial contact report that is a public record.

1464 Section 11. Section **63G-2-400.5** is amended to read:

1465 **63G-2-400.5 . Definitions.**

1466 As used in this part:

1467 (1) "Access denial" means a governmental entity's denial, under Subsection [63G-2-204(9)]  
 1468 63G-2-204(10) or Section 63G-2-205, in whole or in part, of a record request.

1469 [~~(2) "Appellate affirmation" means a decision of a chief administrative officer, local~~  
 1470 ~~appeals board, or State Records Committee affirming an access denial.]~~

1471 [~~(3)~~ (2) "Interested party" means a person, other than a requester, who is aggrieved by an  
 1472 access denial or [~~an appellate~~] a respondent affirmation, regardless of whether [~~or not~~]  
 1473 the person participated in proceedings leading to the access denial or [~~appellate~~]  
 1474 respondent affirmation.

1475 [~~(4)~~ (3) "Local appeals board" means an appeals board established by a political  
 1476 subdivision under Subsection 63G-2-701(5)(c).

1477 [~~(5)~~ (4) "Record request" means a [~~request for a~~]record request under Section 63G-2-204.

1478 [~~(6)~~ (5) "Records committee [~~appellant~~] petitioner" means:

1479 (a) a political subdivision that seeks to appeal [~~a decision of~~]a local appeals board  
 1480 decision to the State Records Committee; or

1481 (b) a requester or interested party who seeks to appeal [~~to the State Records Committee a~~  
 1482 ~~decision affirming an access denial~~] an access denial to the State Records Committee.

1483 [~~(7)~~ (6) "Requester" means a person who submits a record request to a governmental entity.

1484 (7) "Respondent affirmation" means a decision of a chief administrative officer, local  
 1485 appeals board, or State Records Committee affirming an access denial.

1486 Section 12. Section **63G-2-401** is amended to read:

1487 **63G-2-401 . Appeal to chief administrative officer -- Notice of the decision of the**  
 1488 **appeal.**

1489 (1)(a) A requester or interested party may appeal an access denial or the denial of a fee  
 1490 waiver under Subsection 63G-2-203(4) to the chief administrative officer of the  
 1491 governmental entity by filing a notice of appeal with the chief administrative officer

- 1492 within 30 days after:
- 1493 (i) for an access denial:
- 1494 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if
- 1495 the governmental entity denies a record request under Subsection 63G-2-205(1);
- 1496 or
- 1497 (B) the record request is considered denied under Subsection [~~63G-2-204(9)~~]
- 1498 63G-2-204(10), if that subsection applies; or
- 1499 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester
- 1500 that the fee waiver is denied.
- 1501 (b) If a governmental entity claims [~~extraordinary~~] exceptional circumstances and
- 1502 specifies the date when the records will be available under Subsection 63G-2-204(4),
- 1503 and, if the requester believes the [~~extraordinary~~] exceptional circumstances do not
- 1504 exist or that the date specified is unreasonable, the requester may appeal the
- 1505 governmental entity's claim of [~~extraordinary~~] exceptional circumstances or date for
- 1506 compliance to the chief administrative officer by filing a notice of appeal with the
- 1507 chief administrative officer within 30 days after notification of a claim of [
- 1508 ~~extraordinary~~] exceptional circumstances by the governmental entity, despite the lack
- 1509 of a "determination" or its equivalent under Subsection [~~63G-2-204(9)~~] 63G-2-204(10).
- 1510 (2) A notice of appeal shall contain:
- 1511 (a) the name, mailing address, and daytime telephone number of the requester or
- 1512 interested party; and
- 1513 (b) the relief sought.
- 1514 (3) The requester or interested party may file a short statement of facts, reasons, and legal
- 1515 authority in support of the appeal.
- 1516 (4)(a) If the appeal involves a record that is the subject of a business confidentiality
- 1517 claim under Section 63G-2-309, the chief administrative officer shall:
- 1518 (i) send notice of the appeal to the business confidentiality claimant within three
- 1519 business days after receiving notice, except that if notice under this section must
- 1520 be given to more than 35 persons, it shall be given as soon as reasonably possible;
- 1521 and
- 1522 (ii) send notice of the business confidentiality claim and the schedule for the chief
- 1523 administrative officer's determination to the requester or interested party within
- 1524 three business days after receiving notice of the appeal.
- 1525 (b) The business confidentiality claimant shall have seven business days after notice is

- 1526 sent by the administrative officer to submit further support for the claim of business  
1527 confidentiality.
- 1528 (5)(a) The chief administrative officer shall make a decision on the appeal within:
- 1529 (i)(A) 10 business days after the chief administrative officer's receipt of the notice  
1530 of appeal; or
- 1531 (B) five business days after the chief administrative officer's receipt of the notice  
1532 of appeal, if the requester or interested party demonstrates that an expedited  
1533 decision benefits the public rather than the requester or interested party; or
- 1534 (ii) 12 business days after the governmental entity sends the notice of appeal to a  
1535 person who submitted a claim of business confidentiality.
- 1536 (b)(i) If the chief administrative officer fails to make a decision on an appeal of an  
1537 access denial within the time specified in Subsection (5)(a), the failure is the  
1538 equivalent of a decision affirming the access denial.
- 1539 (ii) If the chief administrative officer fails to make a decision on an appeal under  
1540 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the  
1541 equivalent of a decision affirming the claim of [~~extraordinary~~] exceptional  
1542 circumstances or the reasonableness of the date specified when the records will be  
1543 available.
- 1544 (c) [~~The provisions of this section notwithstanding~~] Notwithstanding any other provision  
1545 of this section, the parties participating in the proceeding may, by agreement, extend  
1546 the time periods specified in this section.
- 1547 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon  
1548 consideration and weighing of the various interests and public policies [~~pertinent~~] related  
1549 to the classification and disclosure or nondisclosure of a record, order the disclosure of  
1550 information properly classified as private under Subsection 63G-2-302(2) or protected  
1551 under Section 63G-2-305 if the interests favoring access are greater than or equal to the  
1552 interests favoring restriction of access.
- 1553 (7)(a) The governmental entity shall [~~send~~] provide written notice of the chief  
1554 administrative officer's decision to all participants.
- 1555 (b) If the chief administrative officer's decision is to affirm the access denial in whole or  
1556 in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall  
1557 include:
- 1558 (i) a statement that the requester has a right under Section 63A-12-111 to request the  
1559 government records ombudsman to mediate the dispute between the requester and

- 1560 the governmental entity concerning the access denial or the fee waiver denial;
- 1561 (ii) a statement that the requester or interested party has the right to appeal the
- 1562 decision, as provided in Section 63G-2-402, to:
- 1563 (A) the State Records Committee or district court; or
- 1564 (B) the local appeals board, if the governmental entity is a political subdivision
- 1565 and the governmental entity has established a local appeals board;
- 1566 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including
- 1567 an explanation of a suspension of the time limits, as provided in Subsections
- 1568 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks
- 1569 mediation under Section 63A-12-111; and
- 1570 (iv) the name and business address of:
- 1571 (A) the executive secretary of the State Records Committee;
- 1572 (B) the individual designated as the contact individual for the appeals board, if the
- 1573 governmental entity is a political subdivision that has established an appeals
- 1574 board under Subsection 63G-2-701(5)(c); and
- 1575 (C) the government records ombudsman.

1576 ~~[(8) A person aggrieved by a governmental entity's classification or designation~~

1577 ~~determination under this chapter, but who is not requesting access to the records, may~~

1578 ~~appeal that determination using the procedures provided in this section. If a~~

1579 ~~nonrequester is the only appellant, the procedures provided in this section shall apply,~~

1580 ~~except that the decision on the appeal shall be made within 30 days after receiving the~~

1581 ~~notice of appeal.]~~

1582 ~~[(9)]~~ (8)(a) Except as provided in Subsection (8)(b), an interested party who is aggrieved

1583 by a governmental entity's record classification or designation under this chapter may

1584 appeal the governmental entity's determination as provided in this section.

1585 (b) If a governmental entity receives a notice of appeal as described in Subsection (8)(a),

1586 and the interested party is the only petitioner, the chief administrative officer shall

1587 respond no later than 30 days after the day on which the chief administrative officer

1588 receives notice of the appeal.

1589 (9) The duties of the chief administrative officer under this section may be delegated.

1590 Section 13. Section **63G-2-403** is amended to read:

1591 **63G-2-403 . Appeals to the State Records Committee.**

1592 (1)(a) A records committee [appellant] petitioner appeals to the State Records Committee

1593 by filing a notice of appeal with the executive secretary of the State Records

- 1594 Committee no later than 30 days after the date of issuance of the decision being  
1595 appealed.
- 1596 (b) Notwithstanding Subsection (1)(a), a requester may file a notice of appeal with the  
1597 executive secretary of the State Records Committee no later than 45 days after the  
1598 day on which the record request is made if:
- 1599 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and  
1600 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.
- 1601 (c) The time for a requester to file a notice of appeal under Subsection (1)(a) or (b) is  
1602 suspended for the period of time that:
- 1603 (i) begins the date the requester submits a request under Section 63A-12-111 for the  
1604 government records ombudsman to mediate the dispute between the requester and  
1605 the governmental entity; and  
1606 (ii) ends the earlier of the following dates:
- 1607 (A) the date that the government records ombudsman certifies in writing that the  
1608 mediation is concluded; or  
1609 (B) the date that the government records ombudsman certifies in writing that the  
1610 mediation did not occur or was not concluded because of a lack of the required  
1611 consent.
- 1612 (2) The notice of appeal shall:
- 1613 (a) contain the name, mailing address, and daytime telephone number of the records  
1614 committee [~~appellant~~] petitioner;
- 1615 (b) be accompanied by a copy of the decision being appealed; and  
1616 (c) state the relief sought.
- 1617 (3) The records committee [~~appellant~~] petitioner:
- 1618 (a) shall, on the day on which the notice of appeal is filed with the State Records  
1619 Committee, serve a copy of the notice of appeal on:
- 1620 (i) the governmental entity whose access denial or fee waiver denial is the subject of  
1621 the appeal, if the records committee appellant is a requester or interested party; or  
1622 (ii) the requester or interested party who is a party to the local appeals board  
1623 proceeding that resulted in the decision that the political subdivision is appealing  
1624 to the committee, if the records committee appellant is a political subdivision; and  
1625 (b) may file a short statement of facts, reasons, and legal authority in support of the  
1626 appeal.
- 1627 (4)(a) Except as provided in Subsections (4)(b) and (c), no later than seven business



1628 days after ~~[receiving a notice of appeal, the executive secretary of the State Records~~  
 1629 ~~Committee]~~ the day on which the executive secretary of the State Records Committee  
 1630 receives a notice of appeal, the executive secretary shall:

- 1631 (i) schedule a hearing for the State Records Committee to discuss the appeal at the  
 1632 next regularly scheduled committee meeting falling at least 16 days after the date  
 1633 the notice of appeal is filed but no ~~[longer than 64]~~ later than 90 calendar days  
 1634 after the ~~[date]~~ day on which the notice of appeal was filed, except that the  
 1635 committee may schedule an expedited hearing upon application of the records  
 1636 committee ~~[appellant]~~ petitioner and for good cause shown;
- 1637 (ii) send a copy of the notice of hearing to the records committee ~~[appellant]~~ petitioner;  
 1638 and
- 1639 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing  
 1640 to:
- 1641 (A) each member of the State Records Committee;
- 1642 (B) the records officer and the chief administrative officer of the governmental  
 1643 entity whose access denial is the subject of the appeal, if the records committee ~~[~~  
 1644 ~~appellant]~~ petitioner is a requester or interested party; and
- 1645 ~~[(C) any person who made a business confidentiality claim under Section~~  
 1646 ~~63G-2-309 for a record that is the subject of the appeal; and]~~
- 1647 ~~[(D)]~~ (C) [all persons] any person who participated in the proceedings before the  
 1648 governmental entity's chief administrative officer, if the appeal is of the chief  
 1649 administrative officer's decision affirming an access denial.

1650 (b)~~(f)~~ The executive secretary, with approval of the State Records Committee chair,  
 1651 may decline to schedule a hearing if the record series that is the subject of the  
 1652 appeal [has been found by the committee in a previous hearing involving the same  
 1653 governmental entity to be appropriately classified as private, controlled, or  
 1654 protected] is substantially similar to an appeal previously decided by the State  
 1655 Records Committee.

1656 (c) If, in accordance with Subsection (4)(b), the executive secretary declines to schedule  
 1657 a hearing, the State Records Committee members may vote at the next regular  
 1658 meeting to:

- 1659 (i) render a decision and enter an order consistent with the previous decision; and
- 1660 (ii) provide the parties with notice of:
- 1661 (A) the decision and order; and

- 1662 (B) the right to appeal the decision and order, as described in Subsection (15).  
 1663 [~~(ii)~~] (iii)(A) If the executive secretary [~~of the State Records Committee~~] declines  
 1664 to schedule a hearing, the executive secretary shall send a notice to the records  
 1665 committee [~~appellant~~] petitioner indicating that the request for hearing has been  
 1666 denied and the reason for the denial.
- 1667 (B) The State Records Committee shall make rules to implement the procedures  
 1668 described in this section [~~as provided by~~] in accordance with Title 63G, Chapter  
 1669 3, Utah Administrative Rulemaking Act.
- 1670 [~~(e)~~] (d) The executive secretary [~~of the State Records Committee~~] may schedule a  
 1671 hearing on an appeal to the State Records Committee at a regularly scheduled State  
 1672 Records Committee meeting that is later than the period described in Subsection  
 1673 (4)(a)(i) if [~~that~~] the committee meeting is the first regularly scheduled State Records  
 1674 Committee meeting at which there are fewer than 10 appeals scheduled to be heard.
- 1675 (5)(a) No later than five business days before the day of the hearing, [~~a governmental~~  
 1676 ~~entity shall submit to the executive secretary of the State Records Committee~~] each  
 1677 party shall provide the executive secretary with a written statement of facts, reasons,  
 1678 and legal authority in support of the [~~governmental entity's~~] party's position.
- 1679 (b)(i) The governmental entity shall send a copy of the written statement [~~by first~~  
 1680 ~~class mail, postage prepaid,~~] to the requester or interested party involved in the  
 1681 appeal by email.
- 1682 (ii) The executive secretary shall forward a copy of the written statement to each  
 1683 member of the State Records Committee.
- 1684 (6)(a) No later than [~~10~~] 15 business days [~~after the day on which the executive secretary~~  
 1685 ~~sends the notice of appeal~~] before the day of the hearing, a person whose legal  
 1686 interests may be substantially affected by the proceeding may file a request for  
 1687 intervention with the State Records Committee.
- 1688 (b) Any written statement of facts, reasons, and legal authority in support of the  
 1689 intervener's position shall be filed with the request for intervention.
- 1690 (c) The person seeking intervention shall provide copies of the statement described in  
 1691 Subsection (6)(b) to all parties to the proceedings before the State Records  
 1692 Committee.
- 1693 (7) The State Records Committee shall hold a hearing within the period of time described in  
 1694 Subsection (4).
- 1695 (8)(a) At the hearing, the State Records Committee shall allow the parties to testify,

- 1696 present evidence, and comment on the issues.
- 1697 (b) The committee may allow other interested persons to comment on the issues.
- 1698 (9)(a)(i) The State Records Committee:
- 1699 (A) may review the disputed records; and
- 1700 (B) shall review the disputed records, if the committee is weighing the various
- 1701 interests under Subsection (11).
- 1702 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.
- 1703 (b) Members of the State Records Committee may not disclose any information or
- 1704 record reviewed by the committee in camera unless the disclosure is otherwise
- 1705 authorized ~~[by]~~ under this chapter.
- 1706 (10)(a) ~~[Discovery is prohibited, but the]~~ The State Records Committee may issue
- 1707 subpoenas or other orders to compel production of necessary evidence.
- 1708 (b) When the subject of a State Records Committee subpoena disobeys or fails to
- 1709 comply with the subpoena, the committee may file a motion for an order to compel [
- 1710 ~~obedience to the subpoena-~~]with the district court.
- 1711 (c)(i) The State Records Committee's review shall be de novo, if the appeal is an
- 1712 appeal from a decision of a chief administrative officer:
- 1713 (A) issued under Section 63G-2-401; or
- 1714 (B) issued by a chief administrative officer of a political subdivision that has not
- 1715 established a local appeals board.
- 1716 (ii) For an appeal from a decision of a local appeals board, the State Records
- 1717 Committee shall review and consider the decision of the local appeals board.
- 1718 (11)(a) No later than seven business days after the day of the hearing, the State Records
- 1719 Committee shall issue a signed order:
- 1720 (i) granting the relief sought, in whole or in part; or
- 1721 (ii) upholding the governmental entity's access denial, in whole or in part.
- 1722 (b) Except as provided in Section 63G-2-406, the State Records Committee may, upon
- 1723 consideration and weighing of the various interests and public policies ~~[pertinent]~~
- 1724 relating to the classification and disclosure or nondisclosure of a record, order the
- 1725 disclosure of information properly classified as private, controlled, or protected if the
- 1726 public interest favoring access is greater than or equal to the interest favoring
- 1727 restriction of access.
- 1728 (c) In making a determination under Subsection (11)(b), the State Records Committee
- 1729 shall consider and, where appropriate, limit the requester's or interested party's use

- 1730 and further disclosure of the record in order to protect:
- 1731 (i) privacy interests in the case of a private or controlled record;
- 1732 (ii) business confidentiality interests in the case of a record protected under
- 1733 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
- 1734 (iii) privacy interests or the public interest in the case of other protected records.
- 1735 (12) The order of the State Records Committee shall include:
- 1736 (a) a statement of reasons for the decision, including citations to this chapter, court rule
- 1737 or order, another state statute, federal statute, or federal regulation that governs
- 1738 disclosure of the record, if the citations do not disclose private, controlled, or
- 1739 protected information;
- 1740 (b) a description of the record or portions of the record to which access was ordered or
- 1741 denied, if the description does not disclose private, controlled, or protected
- 1742 information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
- 1743 (c) a statement that any party to the proceeding before the State Records Committee may
- 1744 appeal the committee's decision to district court; and
- 1745 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a
- 1746 notice that in order to protect [its] a party's rights on appeal, the party may wish to
- 1747 seek advice from an attorney.
- 1748 (13) If the State Records Committee fails to issue a decision within 73 calendar days of the
- 1749 filing of the notice of appeal, that failure is the equivalent of an order denying the
- 1750 appeal. A records committee appellant shall notify the State Records Committee in
- 1751 writing if the records committee appellant considers the appeal denied.
- 1752 (14) A party to a proceeding before the State Records Committee may seek judicial review
- 1753 in district court of a State Records Committee order by filing a petition for review [~~of~~
- 1754 ~~the order~~] as provided in Section 63G-2-404.
- 1755 (15)(a) Unless [~~a notice of intent to~~] an appeal is filed under Subsection [~~(15)(b)~~] (14),
- 1756 each party to the proceeding shall comply with the order of the State Records
- 1757 Committee.
- 1758 [~~(b) If a party disagrees with the order of the State Records Committee, that party may~~
- 1759 ~~file a notice of intent to appeal the order.~~]
- 1760 [(e)] (b) If the State Records Committee orders the governmental entity to produce a
- 1761 record and no appeal is timely filed, or if, as a result of the appeal, the governmental
- 1762 entity is required to produce a record, the governmental entity shall:
- 1763 (i) produce the record; and

- 1764 (ii) file a notice of compliance with the committee.
- 1765 ~~[(d)]~~ (c)(i) If the governmental entity that is ordered to produce a record fails to file a
- 1766 notice of compliance or ~~[a notice of intent to]~~ to timely file an appeal, the State
- 1767 Records Committee may ~~[- do either or both of the following]:~~
- 1768 (A) impose a civil penalty of up to \$500 for each day of continuing
- 1769 noncompliance; or
- 1770 (B) send written notice of the governmental entity's noncompliance to the
- 1771 governor.
- 1772 (ii) In imposing a civil penalty under Subsection (15)(c)(i)(A), the State Records
- 1773 Committee shall consider the gravity and circumstances of the violation, including
- 1774 whether the failure to comply was due to neglect or was willful or intentional.
- 1775 (16)(a) The executive secretary may decline to schedule a hearing regarding a disputed
- 1776 fee, fee amount, or fee waiver if the executive secretary and the committee chair
- 1777 agree that the petition for hearing is without merit.
- 1778 (b) At the chair's direction, the executive secretary may request that the governmental
- 1779 entity provide information regarding how the fee was calculated.
- 1780 (17)(a) If the executive secretary declines to schedule a hearing under Subsection (16)(a),
- 1781 the executive secretary shall send a notice to the parties indicating:
- 1782 (i) that the request for a hearing has been denied; and
- 1783 (ii) whether the petition is granted or denied.
- 1784 (b) The committee shall:
- 1785 (i) vote at the next regular meeting to accept or reject the recommendation to respond
- 1786 to the petition without a hearing; and
- 1787 (ii) issue an order that includes the reasons for the committee's decision to accept or
- 1788 reject the recommendation.
- 1789 Section 14. Section **63G-2-501** is amended to read:
- 1790 **63G-2-501 . State Records Committee created -- Membership -- Terms --**
- 1791 **Vacancies -- Expenses.**
- 1792 (1) ~~[There is created the State Records Committee within the Department of Government~~
- 1793 ~~Operations consisting of the following seven individuals]~~ The State Records Committee
- 1794 is created within the Department of Government Operations and consists of the
- 1795 following seven individuals:
- 1796 (a) an individual ~~[in the private sector]~~ whose profession requires the individual to [  
1797 create or]manage records~~[ that, if created by a governmental entity, would be private~~

- 1798 or controlled];
- 1799 (b) an individual with experience with ~~[electronic records and databases, as~~  
 1800 ~~recommended by a statewide technology advocacy organization that represents the~~  
 1801 ~~public, private, and nonprofit sectors]~~ databases or data management;
- 1802 (c) the director of the Division of Archives and Records Services or the director's  
 1803 designee;
- 1804 (d) ~~[two citizen members]~~ one citizen member;
- 1805 (e) one ~~[person]~~ individual representing political subdivisions, as recommended by the  
 1806 Utah League of Cities and Towns; ~~[and]~~
- 1807 (f) one individual representing the news media~~[-]~~ ; and
- 1808 (g) one individual with professional experience in law enforcement.
- 1809 (2) The governor shall appoint or reappoint the members described in ~~[Subsections (1)(a),~~  
 1810 ~~(b), (d), (e), and (f)]~~ Subsection (1) with the advice and consent of the Senate in  
 1811 accordance with Chapter 24, Part 2, Vacancies.
- 1812 (3)(a) Except as provided in Subsection (3)(b), the governor shall appoint each member  
 1813 to a four-year term.
- 1814 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment or  
 1815 reappointment, adjust the length of terms to ensure that the terms of committee  
 1816 members are staggered so that approximately half of the committee is appointed  
 1817 every two years.
- 1818 (c) Each appointed member is eligible for reappointment for one additional term.
- 1819 (4) When a vacancy occurs in the membership for any reason, the governor shall, with the  
 1820 advice and consent of the Senate in accordance with Chapter 24, Part 2, Vacancies,  
 1821 appoint a replacement for the unexpired term.
- 1822 (5) A member of the State Records Committee may not receive compensation or benefits  
 1823 for the member's service on the committee, but may receive per diem and travel  
 1824 expenses in accordance with:
- 1825 (a) Section 63A-3-106;
- 1826 (b) Section 63A-3-107; and
- 1827 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1828 (6) A member described in ~~[Subsection (1)(a), (b), (d), (e), or (f)]~~ Subsection (1) shall  
 1829 comply with the conflict of interest provisions described in Chapter 24, Part 3, Conflicts  
 1830 of Interest.
- 1831 Section 15. Section **63G-2-502** is amended to read:

1832           **63G-2-502 . State Records Committee -- Duties.**

- 1833   (1) The State Records Committee shall:
- 1834       (a) hear appeals from determinations of access under Section 63G-2-403;
- 1835       (b) hear appeals regarding disputed fees under Section 63G-2-203;
- 1836       ~~[(b)]~~ (c) determine disputes submitted by the state auditor under Subsection 67-3-1(17)(d);
- 1837           and
- 1838       ~~[(c)]~~ (d) appoint a chair from among the committee's members.
- 1839   (2) The State Records Committee may:
- 1840       (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 1841           Rulemaking Act, to govern the committee's proceedings; and
- 1842       (b) by order, after notice and hearing, reassign classification and designation for any
- 1843           record series by a governmental entity if the governmental entity's classification or
- 1844           designation is inconsistent with this chapter.
- 1845   (3)(a) The State Records Committee shall annually appoint an executive secretary to
- 1846           provide administrative support to the committee.
- 1847       (b) The executive secretary is not a voting member of the committee.
- 1848   (4) ~~[Five]~~ Four members of the State Records Committee are a quorum for the transaction of
- 1849           business.
- 1850   (5) The state archives shall provide staff and support services for the State Records
- 1851           Committee.
- 1852   (6)(a) If the State Records Committee reassigns the classification or designation of a
- 1853           record or record series under Subsection (2)(b), any affected governmental entity or
- 1854           any other interested ~~[person]~~ party may appeal the reclassification or redesignation to
- 1855           the district court.
- 1856       (b) The district court shall hear the matter de novo.
- 1857   (7) The Office of the Attorney General shall provide counsel to the State Records
- 1858           Committee.

1859           Section 16. Section **63G-2-604** is amended to read:

1860           **63G-2-604 . Retention and disposition of records.**

- 1861   (1)(a) Except for a governmental entity that is permitted to maintain the governmental
- 1862           entity's own retention schedules under Part 7, Applicability to Political Subdivisions,
- 1863           the Judiciary, the Legislature, and the Governor and Lieutenant Governor, each
- 1864           governmental entity shall file with the Records Management Committee created in
- 1865           Section 63A-12-112 a proposed schedule for the retention and disposition of each

- 1866 type of material that is defined as a record under this chapter.
- 1867 (b) After a retention schedule is reviewed and approved by the Records Management  
1868 Committee under Subsection 63A-12-113(1)(b), the governmental entity shall  
1869 maintain and destroy records in accordance with the retention schedule.
- 1870 (c) If a governmental entity subject to the provisions of this ~~[section]~~ Subsection (1) has  
1871 not received an approved retention schedule from the Records Management  
1872 Committee for a specific type of material that is defined as a record under this  
1873 chapter, the general retention schedule maintained by the state archivist shall govern  
1874 the retention and destruction of that type of material.
- 1875 (2) A retention schedule that is filed with or approved by the Records Management  
1876 Committee under the requirements of this section is a public record.
- 1877 (3) A governmental entity shall, on an annual basis, before August 1:
- 1878 (a) review the governmental entity's records retention requirements;  
1879 (b) update the governmental entity's records retention requirements, if needed;  
1880 (c) determine whether the governmental entity is complying with the records retention  
1881 requirements; and  
1882 (d) take necessary action to ensure compliance with the records retention requirements.
- 1883 Section 17. Section **63G-2-605** is enacted to read:  
1884 **63G-2-605 . Employee education on government records requirements.**  
1885 A governmental entity shall comply with the applicable employee education  
1886 requirements described in Section 63A-12-117.
- 1887 Section 18. Section **63G-2-701** is amended to read:  
1888 **63G-2-701 . Political subdivisions may adopt ordinances in compliance with**  
1889 **chapter -- Appeal process.**
- 1890 (1) As used in this section:  
1891 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.  
1892 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.  
1893 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.
- 1894 (2)(a) Each political subdivision may adopt an ordinance or a policy ~~[applicable~~  
1895 ~~throughout its jurisdiction]~~ within the political subdivision's jurisdiction relating to  
1896 information practices including classification, designation, access, denials,  
1897 segregation, appeals, management, retention, and amendment of records.
- 1898 (b) The ordinance or policy shall:  
1899 (i) comply with the criteria ~~[set forth]~~ described in this section[-] ;



- 1900           (ii) provide guidance to staff and elected officials regarding the use of a personal  
 1901           device or account when conducting government business;  
 1902           (iii) assign records management staff specific responsibilities related to records  
 1903           management; and  
 1904           (iv) be approved by the political subdivision's governing body.
- 1905       (c) A political subdivision shall:
- 1906           (i) regularly train staff and elected officials on the records retention ordinance or  
 1907           policy; and  
 1908           (ii) implement a process to monitor and encourage compliance with the ordinance or  
 1909           policy by staff and elected officials.
- 1910       ~~(e)~~ (d) ~~[If any]~~ A political subdivision that does not adopt and maintain an ordinance or  
 1911           policy[, then that political subdivision] is subject to this chapter.
- 1912       ~~(d)~~ (e) Notwithstanding the adoption of an ordinance or policy, each political  
 1913           subdivision is subject to Part 1, General Provisions, Part 3, Classification, and  
 1914           Sections 63A-12-105, 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206,  
 1915           63G-2-601, and 63G-2-602.
- 1916       ~~(e)~~ (f) ~~[Every]~~ A political subdivision shall file the political subdivision's ordinance,  
 1917           policy, ~~or~~ and each amendment to the ordinance or policy ~~[shall be filed-]~~with ~~[the-]~~  
 1918           state archives no later than 30 days after ~~[its]~~ the effective date of the ordinance,  
 1919           policy, or amendment.
- 1920       ~~(f)~~ (g) The political subdivision shall ~~[also report to the state archives]~~ provide to state  
 1921           archives all retention schedules[;] and all designations and classifications applied to a  
 1922           record series ~~[maintained by]~~ that the political subdivision maintains.
- 1923       ~~(g)~~ (h)(i) ~~[The report required by Subsection (2)(f) is notification to state archives of~~  
 1924           the political subdivision's retention schedules, designations, and classifications.  
 1925       ~~The report]~~ The information provided under Subsection (2)(g) is not subject to  
 1926           approval by state archives.
- 1927           (ii) If state archives determines that a different retention schedule is needed for state  
 1928           purposes, state archives shall notify the political subdivision of the state's retention  
 1929           schedule for the records and shall maintain the records if requested to do so under  
 1930           Subsection 63A-12-105(2).
- 1931       (3) Each political subdivision's ordinance or policy relating to information practices shall:
- 1932           (a) provide standards for ~~[the]~~ record classification and designation ~~[of the records of the~~  
 1933           political subdivision-]as public, private, controlled, or protected in accordance with

- 1934 Part 3, Classification;
- 1935 (b) require [the] record classification [of the records of the political subdivision] in
- 1936 accordance with [those] the standards described in Subsection (3)(a);
- 1937 (c) provide guidelines for [establishment of] establishing fees in accordance with Section
- 1938 63G-2-203; and
- 1939 (d) provide management and retention standards [for the management and retention of
- 1940 the records of the political subdivision] comparable to Section 63A-12-103.
- 1941 (4)(a) Each ordinance or policy shall establish:
- 1942 (i) access criteria, procedures, and response times for requests to inspect, obtain, or
- 1943 amend records~~[-of the political subdivision,]~~ ; and
- 1944 (ii) time limits for appeals consistent with this chapter.
- 1945 (b) ~~[In establishing response times for access requests and time limits for appeals, the~~
- 1946 ~~political subdivision may establish reasonable time frames different than those set out~~
- 1947 ~~in Section 63G-2-204 and Part 4, Appeals, if it determines that the resources of the~~
- 1948 ~~political subdivision are insufficient to meet the requirements of those sections]~~ In
- 1949 establishing response times for access requests and time limits for appeals, if a
- 1950 political subdivision determines that the political subdivision's resources are
- 1951 insufficient to meet the requirements under this chapter, the political subdivision may
- 1952 set reasonable time frames different than the time frames described in Section
- 1953 63G-2-204 and Part 4, Appeals.
- 1954 (5)(a) A political subdivision shall establish an appeals process for ~~[persons]~~ a person
- 1955 aggrieved by a classification, designation, or access [decisions] decision.
- 1956 (b) A political subdivision's appeals process shall include a process for a requester or
- 1957 interested party to appeal an access denial, ~~[to a person designated by the political~~
- 1958 ~~subdivision as]~~ as described in Section 63G-2-401, to the individual designated as the
- 1959 chief administrative officer~~[-for purposes of an appeal under Section 63G-2-401].~~
- 1960 (c)(i) A political subdivision may establish an appeals board to decide an appeal of a
- 1961 decision of the chief administrative officer affirming an access denial.
- 1962 (ii) An appeals board established by a political subdivision shall be composed of
- 1963 three members:
- 1964 (A) one of whom shall be an employee of the political subdivision; and
- 1965 (B) two of whom shall be members of the public who are not employed by or
- 1966 officials of a governmental entity, at least one of whom shall have professional
- 1967 experience with requesting or managing records.

- 1968 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of  
 1969 a chief administrative officer shall be made to the appeals board.
- 1970 (iv) If a political subdivision does not establish an appeals board, the political  
 1971 subdivision's appeals process shall provide for an appeal of a chief administrative  
 1972 officer's decision to the State Records Committee, as provided in Section  
 1973 63G-2-403.
- 1974 (d) A political subdivision that establishes an appeals board shall notify the executive  
 1975 secretary no later than 30 days after the day on which the political subdivision  
 1976 establishes the appeals board.
- 1977 (6)(a) A political subdivision or requester may appeal an appeals board decision:  
 1978 (i) to the State Records Committee, as provided in Section 63G-2-403; or  
 1979 (ii) by filing a petition for judicial review with the district court.
- 1980 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the  
 1981 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and  
 1982 63G-2-404.
- 1983 (c) A person who appeals an appeals board decision to the State Records Committee  
 1984 does not lose or waive the right to seek judicial review of the State Records  
 1985 Committee decision~~[of the State Records Committee].~~
- 1986 (7) ~~[Any]~~ A political subdivision that adopts an ordinance or policy under Subsection [(+)]  
 1987 (2) shall forward~~[to state archives]~~ a copy and summary description of the ordinance or  
 1988 policy to state archives.
- 1989 Section 19. Section **63G-2-801** is amended to read:  
 1990 **63G-2-801 . Criminal penalties.**
- 1991 (1)(a) A public employee or other ~~[person]~~ individual who has lawful access to any  
 1992 private, controlled, or protected record under this chapter, and who intentionally  
 1993 discloses, provides a copy of, or improperly uses a private, controlled, or protected  
 1994 record knowing that the disclosure or use is prohibited under this chapter, ~~[is,]~~except  
 1995 as provided in Subsection 53-5-708(1)(c), is guilty of a class B misdemeanor.
- 1996 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released  
 1997 private, controlled, or protected information in the reasonable belief that the use or  
 1998 disclosure of the information was necessary to expose a violation of law involving  
 1999 government corruption, abuse of office, or misappropriation of public funds or  
 2000 property.
- 2001 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have

- 2002 lawfully been released to the recipient if it had been properly classified.
- 2003 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
- 2004 other person disclosed, provided, or used the record based on a good faith belief that
- 2005 the disclosure, provision, or use was in accordance with the law.
- 2006 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
- 2007 copy of any private, controlled, or protected record to which the person is not legally
- 2008 entitled is guilty of a class B misdemeanor.
- 2009 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
- 2010 information, or copy after the fact and without prior knowledge of or participation in
- 2011 the false pretenses, bribery, or theft.
- 2012 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of
- 2013 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 2014 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
- 2015 failure to release the record was based on a good faith belief that the public employee
- 2016 was acting in accordance with the requirements of law.
- 2017 (c) A public employee who intentionally refuses to release a record, the disclosure of
- 2018 which the employee knows is required by a final unappealed order from a [
- 2019 ~~government~~] governmental entity, the State Records Committee, or a court is guilty of
- 2020 a class B misdemeanor.
- 2021 (4)(a) As used in this Subsection (4), "pending records request" means that:
- 2022 (i) a person has made a record request; and
- 2023 (ii) the governmental entity:
- 2024 (A) has not denied the record request, but has not yet provided all records
- 2025 requested;
- 2026 (B) has denied the record request, in whole or in part, and the deadline for
- 2027 appealing the denial has not passed;
- 2028 (C) has denied the record request, in whole or in part, an appeal is filed in relation
- 2029 to the record request, and the appeal has not become final; or
- 2030 (D) is subject to an order to provide a record and has not yet fully complied with
- 2031 the order.
- 2032 (b) It is unlawful for an individual to destroy or delete a record that the individual
- 2033 knows, or has reason to know, may be responsive to a pending records request, with
- 2034 the intent of avoiding disclosure of the record or information in the record.
- 2035 (c) Violation of Subsection (4)(b) is a class B misdemeanor.

- 2036 Section 20. Section **77-27-5** is amended to read:
- 2037 **77-27-5 . Board of Pardons and Parole authority.**
- 2038 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for
- 2039 treason or impeachment, the board shall determine by majority decision when and
- 2040 under what conditions an offender's conviction may be pardoned or commuted.
- 2041 (b) The board shall determine by majority decision when and under what conditions an
- 2042 offender committed to serve a sentence at a penal or correctional facility, which is
- 2043 under the jurisdiction of the department, may:
- 2044 (i) be released upon parole;
- 2045 (ii) have a fine or forfeiture remitted;
- 2046 (iii) have the offender's criminal accounts receivable remitted in accordance with
- 2047 Section 77-32b-105 or 77-32b-106;
- 2048 (iv) have the offender's payment schedule modified in accordance with Section
- 2049 77-32b-103; or
- 2050 (v) have the offender's sentence terminated.
- 2051 (c) The board shall prioritize public safety when making a determination under
- 2052 Subsection (1)(a) or (1)(b).
- 2053 (d)(i) The board may sit together or in panels to conduct hearings.
- 2054 (ii) The chair shall appoint members to the panels in any combination and in
- 2055 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
- 2056 Utah Administrative Rulemaking Act.
- 2057 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 2058 (iv) The chair of the board may designate the chair for any other panel.
- 2059 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
- 2060 an open session, the board may not:
- 2061 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
- 2062 receivable;
- 2063 (B) release the offender on parole; or
- 2064 (C) commute, pardon, or terminate an offender's sentence.
- 2065 (ii) An action taken under this Subsection (1) other than by a majority of the board
- 2066 shall be affirmed by a majority of the board.
- 2067 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 2068 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
- 2069 shall be given to the offender.

- 2070 (b) The county or district attorney's office responsible for prosecution of the case, the  
2071 sentencing court, and law enforcement officials responsible for the defendant's arrest  
2072 and conviction shall be notified of any board hearings through the board's website.
- 2073 (c) Whenever possible, the victim or the victim's representative, if designated, shall be  
2074 notified of original hearings and any hearing after that if notification is requested and  
2075 current contact information has been provided to the board.
- 2076 (d)(i) Notice to the victim or the victim's representative shall include information  
2077 provided in Section 77-27-9.5, and any related rules made by the board under that  
2078 section.
- 2079 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are  
2080 reasonable for the lay person to understand.
- 2081 (3)(a) A decision by the board is final and not subject for judicial review if the decision  
2082 is regarding:
- 2083 (i) a pardon, parole, commutation, or termination of an offender's sentence;  
2084 (ii) the modification of an offender's payment schedule for restitution; or  
2085 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 2086 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter  
2087 4, Open and Public Meetings Act, when the board is engaged in the board's  
2088 deliberative process.
- 2089 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xi)~~] 63G-2-103(28)(b)(xi), records of the  
2090 deliberative process are exempt from Title 63G, Chapter 2, Government Records  
2091 Access and Management Act.
- 2092 (d) Unless it will interfere with a constitutional right, deliberative processes are not  
2093 subject to disclosure, including discovery.
- 2094 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 2095 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's  
2096 power to grant respite or reprieves in all cases of convictions for offenses against the  
2097 state, except treason or conviction on impeachment.
- 2098 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the  
2099 next session of the board.
- 2100 (c) At the next session of the board, the board:
- 2101 (i) shall continue or terminate the respite or reprieve; or  
2102 (ii) may commute the punishment or pardon the offense as provided.
- 2103 (d) In the case of conviction for treason, the governor may suspend execution of the

- 2104 sentence until the case is reported to the Legislature at the Legislature's next session.
- 2105 (e) The Legislature shall pardon or commute the sentence or direct the sentence's  
2106 execution.
- 2107 (5)(a) In determining when, where, and under what conditions an offender serving a  
2108 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the  
2109 offender's criminal accounts receivable remitted, or have the offender's sentence  
2110 commuted or terminated, the board shall:
- 2111 (i) consider whether the offender has made restitution ordered by the court under  
2112 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,  
2113 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a  
2114 commutation or termination of the offender's sentence;
- 2115 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for  
2116 making determinations under this Subsection (5);
- 2117 (iii) consider information provided by the department regarding an offender's  
2118 individual case action plan; and
- 2119 (iv) review an offender's status within 60 days after the day on which the board  
2120 receives notice from the department that the offender has completed all of the  
2121 offender's case action plan components that relate to activities that can be  
2122 accomplished while the offender is imprisoned.
- 2123 (b) The board shall determine whether to remit an offender's criminal accounts  
2124 receivable under this Subsection (5) in accordance with Section 77-32b-105 or  
2125 77-32b-106.
- 2126 (6) In determining whether parole may be terminated, the board shall consider:
- 2127 (a) the offense committed by the parolee; and
- 2128 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 2129 (7) For an offender placed on parole after December 31, 2018, the board shall terminate  
2130 parole in accordance with the adult sentencing and supervision length guidelines, as  
2131 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the  
2132 requirements of the law.
- 2133 (8) The board may not rely solely on an algorithm or a risk assessment tool score in  
2134 determining whether parole should be granted or terminated for an offender.
- 2135 (9) The board may intervene as a limited-purpose party in a judicial or administrative  
2136 proceeding, including a criminal action, to seek:
- 2137 (a) correction of an order that has or will impact the board's jurisdiction; or

2138 (b) clarification regarding an order that may impact the board's jurisdiction.  
2139 (10) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days  
2140 after the day on which a court enters the order that impacts the board's jurisdiction.  
2141 Section 21. **Effective Date.**  
2142 This bill takes effect on May 7, 2025.