

1 **Government Records Access and Management Act Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▸ provides that a building plan prepared by an architect that bear the architect's seal may be
9 classified as a protected record;

10 ▸ allows a government entity, upon discovery of an inadvertent improper disclosure of a
11 record, to notify the requester to which the record was disclosed;

12 ▸ requires a recipient of an inadvertently disclosed record to destroy or return the
13 inadvertently disclosed record;

14 ▸ amends provisions related to penalties for improper disclosure to address inadvertent
15 disclosure of records; and

16 ▸ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **63G-2-305**, as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and
24 522

25 **63G-2-801**, as last amended by Laws of Utah 2019, Chapter 254

26 **ENACTS:**

27 **63G-2-805**, Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **63G-2-305** is amended to read:

31 **63G-2-305 . Protected records.**

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

- 33 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
34 provided the governmental entity with the information specified in Section 63G-2-309;
- 35 (2) commercial information or nonindividual financial information obtained from a person
36 if:
- 37 (a) disclosure of the information could reasonably be expected to result in unfair
38 competitive injury to the person submitting the information or would impair the
39 ability of the governmental entity to obtain necessary information in the future;
- 40 (b) the person submitting the information has a greater interest in prohibiting access than
41 the public in obtaining access; and
- 42 (c) the person submitting the information has provided the governmental entity with the
43 information specified in Section 63G-2-309;
- 44 (3) commercial or financial information acquired or prepared by a governmental entity to
45 the extent that disclosure would lead to financial speculations in currencies, securities, or
46 commodities that will interfere with a planned transaction by the governmental entity or
47 cause substantial financial injury to the governmental entity or state economy;
- 48 (4) records, the disclosure of which could cause commercial injury to, or confer a
49 competitive advantage upon a potential or actual competitor of, a commercial project
50 entity as defined in Subsection 11-13-103(4);
- 51 (5) test questions and answers to be used in future license, certification, registration,
52 employment, or academic examinations;
- 53 (6) records, the disclosure of which would impair governmental procurement proceedings
54 or give an unfair advantage to any person proposing to enter into a contract or agreement
55 with a governmental entity, except, subject to Subsections (1) and (2), that this
56 Subsection (6) does not restrict the right of a person to have access to, after the contract
57 or grant has been awarded and signed by all parties:
- 58 (a) a bid, proposal, application, or other information submitted to or by a governmental
59 entity in response to:
- 60 (i) an invitation for bids;
- 61 (ii) a request for proposals;
- 62 (iii) a request for quotes;
- 63 (iv) a grant; or
- 64 (v) other similar document; or

- 65 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 66 (7) information submitted to or by a governmental entity in response to a request for
67 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
68 restrict the right of a person to have access to the information, after:
- 69 (a) a contract directly relating to the subject of the request for information has been
70 awarded and signed by all parties; or
- 71 (b)(i) a final determination is made not to enter into a contract that relates to the
72 subject of the request for information; and
- 73 (ii) at least two years have passed after the day on which the request for information
74 is issued;
- 75 (8) records that would identify real property or the appraisal or estimated value of real or
76 personal property, including intellectual property, under consideration for public
77 acquisition before any rights to the property are acquired unless:
- 78 (a) public interest in obtaining access to the information is greater than or equal to the
79 governmental entity's need to acquire the property on the best terms possible;
- 80 (b) the information has already been disclosed to persons not employed by or under a
81 duty of confidentiality to the entity;
- 82 (c) in the case of records that would identify property, potential sellers of the described
83 property have already learned of the governmental entity's plans to acquire the
84 property;
- 85 (d) in the case of records that would identify the appraisal or estimated value of
86 property, the potential sellers have already learned of the governmental entity's
87 estimated value of the property; or
- 88 (e) the property under consideration for public acquisition is a single family residence
89 and the governmental entity seeking to acquire the property has initiated negotiations
90 to acquire the property as required under Section 78B-6-505;
- 91 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
92 transaction of real or personal property including intellectual property, which, if
93 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
94 value of the subject property, unless:
- 95 (a) the public interest in access is greater than or equal to the interests in restricting
96 access, including the governmental entity's interest in maximizing the financial
97 benefit of the transaction; or
- 98 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of

- 99 the value of the subject property have already been disclosed to persons not
100 employed by or under a duty of confidentiality to the entity;
- 101 (10) records created or maintained for civil, criminal, or administrative enforcement
102 purposes or audit purposes, or for discipline, licensing, certification, or registration
103 purposes, if release of the records:
- 104 (a) reasonably could be expected to interfere with investigations undertaken for
105 enforcement, discipline, licensing, certification, or registration purposes;
- 106 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
107 proceedings;
- 108 (c) would create a danger of depriving a person of a right to a fair trial or impartial
109 hearing;
- 110 (d) reasonably could be expected to disclose the identity of a source who is not generally
111 known outside of government and, in the case of a record compiled in the course of
112 an investigation, disclose information furnished by a source not generally known
113 outside of government if disclosure would compromise the source; or
- 114 (e) reasonably could be expected to disclose investigative or audit techniques,
115 procedures, policies, or orders not generally known outside of government if
116 disclosure would interfere with enforcement or audit efforts;
- 117 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 118 (12) records the disclosure of which would jeopardize the security of governmental
119 property, governmental programs, or governmental recordkeeping systems from
120 damage, theft, or other appropriation or use contrary to law or public policy;
- 121 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
122 facility, or records relating to incarceration, treatment, probation, or parole, that would
123 interfere with the control and supervision of an offender's incarceration, treatment,
124 probation, or parole;
- 125 (14) records that, if disclosed, would reveal recommendations made to the Board of
126 Pardons and Parole by an employee of or contractor for the Department of Corrections,
127 the Board of Pardons and Parole, or the Department of Health and Human Services that
128 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
129 person within the board's jurisdiction;
- 130 (15) records and audit workpapers that identify audit, collection, and operational procedures
131 and methods used by the State Tax Commission, if disclosure would interfere with
132 audits or collections;

- 133 (16) records of a governmental audit agency relating to an ongoing or planned audit until
134 the final audit is released;
- 135 (17) records that are subject to the attorney client privilege;
- 136 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
137 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
138 judicial, quasi-judicial, or administrative proceeding;
- 139 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
140 from a member of the Legislature; and
- 141 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
142 legislative action or policy may not be classified as protected under this section;
143 and
- 144 (b)(i) an internal communication that is part of the deliberative process in connection
145 with the preparation of legislation between:
- 146 (A) members of a legislative body;
- 147 (B) a member of a legislative body and a member of the legislative body's staff; or
- 148 (C) members of a legislative body's staff; and
- 149 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
150 legislative action or policy may not be classified as protected under this section;
- 151 (20)(a) records in the custody or control of the Office of Legislative Research and
152 General Counsel, that, if disclosed, would reveal a particular legislator's
153 contemplated legislation or contemplated course of action before the legislator has
154 elected to support the legislation or course of action, or made the legislation or course
155 of action public; and
- 156 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
157 Office of Legislative Research and General Counsel is a public document unless a
158 legislator asks that the records requesting the legislation be maintained as protected
159 records until such time as the legislator elects to make the legislation or course of
160 action public;
- 161 (21) a research request from a legislator to a legislative staff member and research findings
162 prepared in response to the request;
- 163 (22) drafts, unless otherwise classified as public;
- 164 (23) records concerning a governmental entity's strategy about:
- 165 (a) collective bargaining; or
- 166 (b) imminent or pending litigation;

- 167 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
168 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
169 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 170 (25) records, other than personnel evaluations, that contain a personal recommendation
171 concerning an individual if disclosure would constitute a clearly unwarranted invasion
172 of personal privacy, or disclosure is not in the public interest;
- 173 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
174 resources that if known would jeopardize the security of those resources or of valuable
175 historic, scientific, educational, or cultural information;
- 176 (27) records of independent state agencies if the disclosure of the records would conflict
177 with the fiduciary obligations of the agency;
- 178 (28) records of an institution within the state system of higher education defined in Section
179 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
180 retention decisions, and promotions, which could be properly discussed in a meeting
181 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
182 that records of the final decisions about tenure, appointments, retention, promotions, or
183 those students admitted, may not be classified as protected under this section;
- 184 (29) records of the governor's office, including budget recommendations, legislative
185 proposals, and policy statements, that if disclosed would reveal the governor's
186 contemplated policies or contemplated courses of action before the governor has
187 implemented or rejected those policies or courses of action or made them public;
- 188 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
189 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
190 recommendations in these areas;
- 191 (31) records provided by the United States or by a government entity outside the state that
192 are given to the governmental entity with a requirement that they be managed as
193 protected records if the providing entity certifies that the record would not be subject to
194 public disclosure if retained by it;
- 195 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
196 public body except as provided in Section 52-4-206;
- 197 (33) records that would reveal the contents of settlement negotiations but not including final
198 settlements or empirical data to the extent that they are not otherwise exempt from
199 disclosure;
- 200 (34) memoranda prepared by staff and used in the decision-making process by an

- 201 administrative law judge, a member of the Board of Pardons and Parole, or a member of
202 any other body charged by law with performing a quasi-judicial function;
- 203 (35) records that would reveal negotiations regarding assistance or incentives offered by or
204 requested from a governmental entity for the purpose of encouraging a person to expand
205 or locate a business in Utah, but only if disclosure would result in actual economic harm
206 to the person or place the governmental entity at a competitive disadvantage, but this
207 section may not be used to restrict access to a record evidencing a final contract;
- 208 (36) materials to which access must be limited for purposes of securing or maintaining the
209 governmental entity's proprietary protection of intellectual property rights including
210 patents, copyrights, and trade secrets;
- 211 (37) the name of a donor or a prospective donor to a governmental entity, including an
212 institution within the state system of higher education defined in Section 53B-1-102, and
213 other information concerning the donation that could reasonably be expected to reveal
214 the identity of the donor, provided that:
- 215 (a) the donor requests anonymity in writing;
- 216 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
217 classified protected by the governmental entity under this Subsection (37); and
- 218 (c) except for an institution within the state system of higher education defined in
219 Section 53B-1-102, the governmental unit to which the donation is made is primarily
220 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
221 legislative authority over the donor, a member of the donor's immediate family, or
222 any entity owned or controlled by the donor or the donor's immediate family;
- 223 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 224 (39) a notification of workers' compensation insurance coverage described in Section
225 34A-2-205;
- 226 (40)(a) the following records of an institution within the state system of higher education
227 defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
228 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 229 (i) unpublished lecture notes;
- 230 (ii) unpublished notes, data, and information:
- 231 (A) relating to research; and
- 232 (B) of:
- 233 (I) the institution within the state system of higher education defined in Section
234 53B-1-102; or

- 235 (II) a sponsor of sponsored research;
- 236 (iii) unpublished manuscripts;
- 237 (iv) creative works in process;
- 238 (v) scholarly correspondence; and
- 239 (vi) confidential information contained in research proposals;
- 240 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
- 241 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 242 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 243 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
- 244 that would reveal the name of a particular legislator who requests a legislative audit
- 245 prior to the date that audit is completed and made public; and
- 246 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 247 Office of the Legislative Auditor General is a public document unless the legislator
- 248 asks that the records in the custody or control of the Office of the Legislative Auditor
- 249 General that would reveal the name of a particular legislator who requests a
- 250 legislative audit be maintained as protected records until the audit is completed and
- 251 made public;
- 252 (42) records that provide detail as to the location of an explosive, including a map or other
- 253 document that indicates the location of:
- 254 (a) a production facility; or
- 255 (b) a magazine;
- 256 (43) information contained in the statewide database of the Division of Aging and Adult
- 257 Services created by Section 26B-6-210;
- 258 (44) information contained in the Licensing Information System described in Title 80,
- 259 Chapter 2, Child Welfare Services;
- 260 (45) information regarding National Guard operations or activities in support of the
- 261 National Guard's federal mission;
- 262 (46) records provided by any pawn or secondhand business to a law enforcement agency or
- 263 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
- 264 Merchandise, and Catalytic Converter Transaction Information Act;
- 265 (47) information regarding food security, risk, and vulnerability assessments performed by
- 266 the Department of Agriculture and Food;
- 267 (48) except to the extent that the record is exempt from this chapter pursuant to Section
- 268 63G-2-106, records related to an emergency plan or program, a copy of which is

- 269 provided to or prepared or maintained by the Division of Emergency Management, and
270 the disclosure of which would jeopardize:
- 271 (a) the safety of the general public; or
272 (b) the security of:
- 273 (i) governmental property;
274 (ii) governmental programs; or
275 (iii) the property of a private person who provides the Division of Emergency
276 Management information;
- 277 (49) records of the Department of Agriculture and Food that provides for the identification,
278 tracing, or control of livestock diseases, including any program established under Title
279 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
280 of Animal Disease;
- 281 (50) as provided in Section 26B-2-709:
- 282 (a) information or records held by the Department of Health and Human Services related
283 to a complaint regarding a provider, program, or facility which the department is
284 unable to substantiate; and
285 (b) information or records related to a complaint received by the Department of Health
286 and Human Services from an anonymous complainant regarding a provider, program,
287 or facility;
- 288 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
289 under Section 41-1a-116, an individual's home address, home telephone number, or
290 personal mobile phone number, if:
- 291 (a) the individual is required to provide the information in order to comply with a law,
292 ordinance, rule, or order of a government entity; and
293 (b) the subject of the record has a reasonable expectation that this information will be
294 kept confidential due to:
- 295 (i) the nature of the law, ordinance, rule, or order; and
296 (ii) the individual complying with the law, ordinance, rule, or order;
- 297 (52) the portion of the following documents that contains a candidate's residential or
298 mailing address, if the candidate provides to the filing officer another address or phone
299 number where the candidate may be contacted:
- 300 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
301 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
302 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;

- 303 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
304 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 305 (53) the name, home address, work addresses, and telephone numbers of an individual that
306 is engaged in, or that provides goods or services for, medical or scientific research that is:
307 (a) conducted within the state system of higher education, as defined in Section
308 53B-1-102; and
309 (b) conducted using animals;
- 310 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
311 Evaluation Commission concerning an individual commissioner's vote, in relation to
312 whether a judge meets or exceeds minimum performance standards under Subsection
313 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 314 (55) information collected and a report prepared by the Judicial Performance Evaluation
315 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
316 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
317 public, the information or report;
- 318 (56) records provided or received by the Public Lands Policy Coordinating Office in
319 furtherance of any contract or other agreement made in accordance with Section
320 63L-11-202;
- 321 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 322 (58) in accordance with Section 73-10-33:
323 (a) a management plan for a water conveyance facility in the possession of the Division
324 of Water Resources or the Board of Water Resources; or
325 (b) an outline of an emergency response plan in possession of the state or a county or
326 municipality;
- 327 (59) the following records in the custody or control of the Office of Inspector General of
328 Medicaid Services, created in Section 63A-13-201:
329 (a) records that would disclose information relating to allegations of personal
330 misconduct, gross mismanagement, or illegal activity of a person if the information
331 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
332 Services through other documents or evidence, and the records relating to the
333 allegation are not relied upon by the Office of Inspector General of Medicaid
334 Services in preparing a final investigation report or final audit report;
335 (b) records and audit workpapers to the extent they would disclose the identity of a
336 person who, during the course of an investigation or audit, communicated the

- 337 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
338 violation of a law, rule, or regulation adopted under the laws of this state, a political
339 subdivision of the state, or any recognized entity of the United States, if the
340 information was disclosed on the condition that the identity of the person be
341 protected;
- 342 (c) before the time that an investigation or audit is completed and the final investigation
343 or final audit report is released, records or drafts circulated to a person who is not an
344 employee or head of a governmental entity for the person's response or information;
- 345 (d) records that would disclose an outline or part of any investigation, audit survey plan,
346 or audit program; or
- 347 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
348 investigation or audit;
- 349 (60) records that reveal methods used by the Office of Inspector General of Medicaid
350 Services, the fraud unit, or the Department of Health and Human Services, to discover
351 Medicaid fraud, waste, or abuse;
- 352 (61) information provided to the Department of Health and Human Services or the Division
353 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
354 58-68-304(3) and (4);
- 355 (62) a record described in Section 63G-12-210;
- 356 (63) captured plate data that is obtained through an automatic license plate reader system
357 used by a governmental entity as authorized in Section 41-6a-2003;
- 358 (64) an audio or video recording created by a body-worn camera, as that term is defined in
359 Section 77-7a-103, that records sound or images inside a hospital or health care facility
360 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
361 as that term is defined in Section 78B-3-403, or inside a human service program as that
362 term is defined in Section 26B-2-101, except for recordings that:
- 363 (a) depict the commission of an alleged crime;
- 364 (b) record any encounter between a law enforcement officer and a person that results in
365 death or bodily injury, or includes an instance when an officer fires a weapon;
- 366 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
367 law enforcement officer or law enforcement agency;
- 368 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
369 or
- 370 (e) have been requested for reclassification as a public record by a subject or authorized

- 371 agent of a subject featured in the recording;
- 372 (65) a record pertaining to the search process for a president of an institution of higher
373 education described in Section 53B-2-102, except for application materials for a publicly
374 announced finalist;
- 375 (66) an audio recording that is:
- 376 (a) produced by an audio recording device that is used in conjunction with a device or
377 piece of equipment designed or intended for resuscitating an individual or for treating
378 an individual with a life-threatening condition;
- 379 (b) produced during an emergency event when an individual employed to provide law
380 enforcement, fire protection, paramedic, emergency medical, or other first responder
381 service:
- 382 (i) is responding to an individual needing resuscitation or with a life-threatening
383 condition; and
- 384 (ii) uses a device or piece of equipment designed or intended for resuscitating an
385 individual or for treating an individual with a life-threatening condition; and
- 386 (c) intended and used for purposes of training emergency responders how to improve
387 their response to an emergency situation;
- 388 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
389 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
390 Audit Subcommittee, established under Section 36-12-8, for an employment position
391 with the Legislature;
- 392 (68) work papers as defined in Section 31A-2-204;
- 393 (69) a record made available to Adult Protective Services or a law enforcement agency
394 under Section 61-1-206;
- 395 (70) a record submitted to the Insurance Department in accordance with Section
396 31A-37-201;
- 397 (71) a record described in Section 31A-37-503;
- 398 (72) any record created by the Division of Professional Licensing as a result of Subsection
399 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 400 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
401 involving an amusement ride;
- 402 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
403 political petition, or on a request to withdraw a signature from a political petition,
404 including a petition or request described in the following titles:

- 405 (a) Title 10, Utah Municipal Code;
- 406 (b) Title 17, Counties;
- 407 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 408 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 409 (e) Title 20A, Election Code;
- 410 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
- 411 voter registration record;
- 412 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
- 413 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local
- 414 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 415 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
- 416 Victims Guidelines for Prosecutors Act;
- 417 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 418 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
- 419 prohibited under Section 63G-26-103;
- 420 (80) an image taken of an individual during the process of booking the individual into jail,
- 421 unless:
- 422 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 423 the individual was incarcerated at the time the image was taken;
- 424 (b) a law enforcement agency releases or disseminates the image:
- 425 (i) after determining that the individual is a fugitive or an imminent threat to an
- 426 individual or to public safety and releasing or disseminating the image will assist
- 427 in apprehending the individual or reducing or eliminating the threat; or
- 428 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 429 to a criminal investigation or criminal proceeding for the purpose of identifying or
- 430 locating an individual in connection with the criminal investigation or criminal
- 431 proceeding;
- 432 (c) a judge orders the release or dissemination of the image based on a finding that the
- 433 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 434 (d) the image is displayed to a person who is permitted to view the image under Section
- 435 17-22-30[-] ;
- 436 (81) a record:
- 437 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 438 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a

- 439 representative from another state or the federal government as provided in Section
440 63M-14-205; and
- 441 (c) the disclosure of which would:
- 442 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
443 Colorado River system;
- 444 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
445 negotiate the best terms and conditions regarding the use of water in the Colorado
446 River system; or
- 447 (iii) give an advantage to another state or to the federal government in negotiations
448 regarding the use of water in the Colorado River system;
- 449 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
450 of Economic Opportunity determines is nonpublic, confidential information that if
451 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
452 may not be used to restrict access to a record evidencing a final contract or approval
453 decision;
- 454 (83) the following records of a drinking water or wastewater facility:
- 455 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
456 and
- 457 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
458 drinking water or wastewater facility uses to secure, or prohibit access to, the records
459 described in Subsection (83)(a);
- 460 (84) a statement that an employee of a governmental entity provides to the governmental
461 entity as part of the governmental entity's personnel or administrative investigation into
462 potential misconduct involving the employee if the governmental entity:
- 463 (a) requires the statement under threat of employment disciplinary action, including
464 possible termination of employment, for the employee's refusal to provide the
465 statement; and
- 466 (b) provides the employee assurance that the statement cannot be used against the
467 employee in any criminal proceeding;
- 468 (85) any part of an application for a Utah Fits All Scholarship account described in Section
469 53F-6-402 or other information identifying a scholarship student as defined in Section
470 53F-6-401;
- 471 (86) a record:
- 472 (a) concerning a claim to the use of waters in the Great Salt Lake;

- 473 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
 474 person concerning the claim, including a representative from another state or the
 475 federal government; and
- 476 (c) the disclosure of which would:
- 477 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
 478 Great Salt Lake;
- 479 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
 480 and conditions regarding the use of water in the Great Salt Lake; or
- 481 (iii) give an advantage to another person including another state or to the federal
 482 government in negotiations regarding the use of water in the Great Salt Lake; ~~and~~
- 483 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
 484 reclassified as public as described in Subsection 13-2-11(4)[-];
- 485 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 486 (a) concerning a claim to the use of waters;
- 487 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
 488 representative from another state, a tribe, the federal government, or other
 489 government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent;
 490 and
- 491 (c) the disclosure of which would:
- 492 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 493 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
 494 regarding the use of water; or
- 495 (iii) give an advantage to another state, a tribe, the federal government, or other
 496 government entity in negotiations regarding the use of water[-]; ~~and~~
- 497 (89) a final plan and specification of a building that bears an architect's seal as provided in
 498 Section 58-3a-602 if the architect is required to provide the final plan and specification
 499 to a government entity in order to comply with a law, ordinance, rule, or order of a
 500 government entity.
- 501 Section 2. Section **63G-2-801** is amended to read:
- 502 **63G-2-801 . Criminal penalties.**
- 503 (1)(a) A public employee or other person who has lawful access to any private,
 504 controlled, or protected record under this chapter, and who intentionally discloses,
 505 provides a copy of, or improperly uses a private, controlled, or protected record
 506 knowing that the disclosure or use is prohibited under this chapter, is, except as

- 507 provided in Subsection 53-5-708(1)(c), guilty of a class B misdemeanor.
- 508 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
509 private, controlled, or protected information in the reasonable belief that the use or
510 disclosure of the information was necessary to expose a violation of law involving
511 government corruption, abuse of office, or misappropriation of public funds or
512 property.
- 513 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
514 lawfully been released to the recipient if it had been properly classified.
- 515 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
516 other person disclosed, provided, or used the record based on a good faith belief that
517 the disclosure, provision, or use was in accordance with the law.
- 518 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
519 copy of any private, controlled, or protected record to which the person is not legally
520 entitled is guilty of a class B misdemeanor.
- 521 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
522 information, or copy after the fact and without prior knowledge of or participation in
523 the false pretenses, bribery, or theft.
- 524 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of
525 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 526 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
527 failure to release the record was based on a good faith belief that the public employee
528 was acting in accordance with the requirements of law.
- 529 (c) A public employee who intentionally refuses to release a record, the disclosure of
530 which the employee knows is required by a final unappealed order from a
531 government entity, the State Records Committee, or a court is guilty of a class B
532 misdemeanor.
- 533 (4)(a) A public employee who inadvertently discloses or provides a copy of a private,
534 controlled, or protected record as described in Section 63G-2-805 is not guilty of an
535 offense under this chapter.
- 536 (b) A public employee or other person who inadvertently receives a copy of a private,
537 controlled, or protected record as described in Section 63G-2-805 is guilty of a class
538 B misdemeanor if the individual:
- 539 (i) received a notification of the improper disclosure as provided in Section
540 63G-2-805; and

541 (ii)(A) intentionally or knowingly discloses or provides a copy of the private,
542 controlled, or protected record; or

543 (B) improperly uses the private, controlled, or protected record.

544 Section 3. Section **63G-2-805** is enacted to read:

545 **63G-2-805 . Withdraw of response - Requirements.**

546 (1) Notwithstanding any other provision of this chapter, a public employee who has lawful
547 access to any private, controlled, or protected record under this chapter, and who
548 inadvertently discloses or provides a copy of the record in the good faith belief that the
549 record was properly classified, shall promptly notify the requester of the improper
550 disclosure.

551 (2) A requester who receives a notification described in Subsection (1):

552 (a) shall immediately destroy or return all copies of the improperly disclosed record; and

553 (b) remains subject to penalties described in Section 63G-2-801 for further disclosure of
554 the improperly disclosed record.

555 (3) An inadvertent disclosure as described in this section does not constitute a waiver of any
556 privilege pertaining to the record.

557 Section 4. **Effective Date.**

558 This bill takes effect on May 7, 2025.