

Employment Investigation Records Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

LONG TITLE**General Description:**

This bill amends provisions relating to certain employment records of alleged misconduct.

Highlighted Provisions:

This bill:

▸ establishes, as a public record, a final written decision on a matter of alleged employment or workplace misconduct;

▸ establishes, as a private record, a record of alleged employment or workplace misconduct that does not qualify as a final written decision, including reports, complaints, investigatory records, and other records relating to alleged employee misconduct;

▸ exempts a private record described in the preceding section from certain provisions that may result in releasing the record despite the private nature of the record; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

Section 1. Section **20A-11-1205** is amended to read:

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

- 31 (1) Except as provided in Subsection (5), a person may not send an email using the email of
32 a public entity:
- 33 (a) for a political purpose;
 - 34 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,
35 referendum, a proposed bond, a bond, or any ballot proposition; or
 - 36 (c) to solicit a campaign contribution.
- 37 (2)(a) The lieutenant governor shall, after giving the person and the complainant notice
38 and an opportunity to be heard, impose a civil fine against a person who violates
39 Subsection (1) as follows:
- 40 (i) up to \$250 for a first violation; and
 - 41 (ii) except as provided in Subsection (3), for each subsequent violation committed
42 after the lieutenant governor imposes a fine against the person for a first violation,
43 \$1,000 multiplied by the number of violations committed by the person.
- 44 (b) A person may, within 30 days after the day on which the lieutenant governor
45 imposes a fine against the person under this Subsection (2), appeal the fine to a
46 district court.
- 47 (3) The lieutenant governor shall consider a violation of this section as a first violation if
48 the violation is committed more than seven years after the day on which the person last
49 committed a violation of this section.
- 50 (4) For purposes of this section, one violation means one act of sending an email, regardless
51 of the number of recipients of the email.
- 52 (5) A person does not violate this section if:
- 53 (a) the lieutenant governor finds that the email described in Subsection (1) was
54 inadvertently sent by the person using the email of a public entity;
 - 55 (b) the person is directly providing information solely to another person or a group of
56 people in response to a question asked by the other person or group of people;
 - 57 (c) the information the person emails is an argument or rebuttal argument prepared
58 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing
59 argument and rebuttal argument that:
 - 60 (i) relates to the same proposed initiative, initiative, proposed referendum, or
61 referendum; and
 - 62 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
 - 63 (d) the person is engaging in:
 - 64 (i) an internal communication solely within the public entity;

- 65 (ii) a communication solely with another public entity;
- 66 (iii) a communication solely with legal counsel;
- 67 (iv) a communication solely with the sponsors of an initiative or referendum;
- 68 (v) a communication solely with a land developer for a project permitted by a local
- 69 land use law that is challenged by a proposed referendum or a referendum; or
- 70 (vi) a communication solely with a person involved in a business transaction directly
- 71 relating to a project described in Subsection (5)(d)(v).

72 (6) A violation of this section does not invalidate an otherwise valid election.

73 (7) An email sent in violation of Subsection (1), as determined by the records officer,
 74 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of
 75 Title 63G, Chapter 2, Government Records Access and Management Act,
 76 notwithstanding any applicability of Subsection [63G-2-103(25)(b)(i)]
 77 63G-2-103(26)(b)(i).

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

79 **63G-2-103 . Definitions.**

80 As used in this chapter:

81 (1) "Audit" means:

- 82 (a) a systematic examination of financial, management, program, and related records for
- 83 the purpose of determining the fair presentation of financial statements, adequacy of
- 84 internal controls, or compliance with laws and regulations; or
- 85 (b) a systematic examination of program procedures and operations for the purpose of
- 86 determining their effectiveness, economy, efficiency, and compliance with statutes
- 87 and regulations.

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

- 90 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
- 91 and
- 92 (b) any arrests or jail bookings made by the agency.

93 (3) "Classification," "classify," and their derivative forms mean determining whether a
 94 record series, record, or information within a record is public, private, controlled,
 95 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

96 (4)(a) "Computer program" means:

- 97 (i) a series of instructions or statements that permit the functioning of a computer
- 98 system in a manner designed to provide storage, retrieval, and manipulation of

- 99 data from the computer system; and
- 100 (ii) any associated documentation and source material that explain how to operate the
101 computer program.
- 102 (b) "Computer program" does not mean:
- 103 (i) the original data, including numbers, text, voice, graphics, and images;
- 104 (ii) analysis, compilation, and other manipulated forms of the original data produced
105 by use of the program; or
- 106 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
107 algorithms contained in the program, that would be used if the manipulated forms
108 of the original data were to be produced manually.
- 109 (5)(a) "Contractor" means:
- 110 (i) any person who contracts with a governmental entity to provide goods or services
111 directly to a governmental entity; or
- 112 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 113 (b) "Contractor" does not mean a private provider.
- 114 (6) "Controlled record" means a record containing data on individuals that is controlled as
115 provided by Section 63G-2-304.
- 116 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
117 governmental entity's familiarity with a record series or based on a governmental entity's
118 review of a reasonable sample of a record series, the primary classification that a
119 majority of records in a record series would be given if classified and the classification
120 that other records typically present in the record series would be given if classified.
- 121 (8) "Elected official" means each person elected to a state office, county office, municipal
122 office, school board or school district office, special district office, or special service
123 district office, but does not include judges.
- 124 (9) "Explosive" means a chemical compound, device, or mixture:
- 125 (a) commonly used or intended for the purpose of producing an explosion; and
- 126 (b) that contains oxidizing or combustive units or other ingredients in proportions,
127 quantities, or packing so that:
- 128 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
129 compound or mixture may cause a sudden generation of highly heated gases; and
- 130 (ii) the resultant gaseous pressures are capable of:
- 131 (A) producing destructive effects on contiguous objects; or
- 132 (B) causing death or serious bodily injury.

133 (10) "Final written decision on a matter of alleged employment or workplace misconduct"
 134 means a final, written, administrative decision following investigation into, and final
 135 resolution of, a matter of alleged unlawful harassment, unlawful discriminatory conduct,
 136 discriminatory conduct in violation of a policy, or related retaliation.

137 ~~[(10)]~~ (11) "Government audit agency" means any governmental entity that conducts an
 138 audit.

139 ~~[(11)]~~ (12)(a) "Governmental entity" means:

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

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

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

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

152 (v) any political subdivision of the state, but, if a political subdivision has adopted an
 153 ordinance or a policy relating to information practices pursuant to Section
 154 63G-2-701, this chapter shall apply to the political subdivision to the extent
 155 specified in Section 63G-2-701 or as specified in any other section of this chapter
 156 that specifically refers to political subdivisions.

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

158 (i) every office, agency, board, bureau, committee, department, advisory board, or
 159 commission of an entity listed in Subsection ~~[(11)(a)]~~ (12)(a) that is funded or
 160 established by the government to carry out the public's business;

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

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

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

166 (v) the Utah Independent Redistricting Commission; and

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

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

171 ~~[(12)]~~ (13) "Gross compensation" means every form of remuneration payable for a given
172 period to an individual for services provided including salaries, commissions, vacation
173 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,
174 and any similar benefit received from the individual's employer.

175 ~~[(13)]~~ (14) "Individual" means a human being.

176 ~~[(14)]~~ (15)(a) "Initial contact report" means an initial written or recorded report, however
177 titled, prepared by peace officers engaged in public patrol or response duties
178 describing official actions initially taken in response to either a public complaint
179 about or the discovery of an apparent violation of law, which report may describe:

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

181 (ii) names of victims;

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

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

185 (v) the name, address, and other identifying information about any person arrested or
186 charged in connection with the incident; or

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

189 (b) Initial contact reports do not include follow-up or investigative reports prepared after
190 the initial contact report. However, if the information specified in Subsection ~~[(14)(a)]~~
191 (15)(a) appears in follow-up or investigative reports, it may only be treated
192 confidentially if it is private, controlled, protected, or exempt from disclosure under
193 Subsection 63G-2-201(3)(b).

194 (c) Initial contact reports do not include accident reports, as that term is described in
195 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

196 ~~[(15)]~~ (16) "Legislative body" means the Legislature.

197 ~~[(16)]~~ (17) "Notice of compliance" means a statement confirming that a governmental entity
198 has complied with an order of the State Records Committee.

199 ~~[(17)]~~ (18) "Person" means:

200 (a) an individual;

- 201 (b) a nonprofit or profit corporation;
- 202 (c) a partnership;
- 203 (d) a sole proprietorship;
- 204 (e) other type of business organization; or
- 205 (f) any combination acting in concert with one another.
- 206 ~~[(18)]~~ (19) "Personal identifying information" means the same as that term is defined in
- 207 Section 63A-12-100.5.
- 208 ~~[(19)]~~ (20) "Privacy annotation" means the same as that term is defined in Section
- 209 63A-12-100.5.
- 210 ~~[(20)]~~ (21) "Private provider" means any person who contracts with a governmental entity to
- 211 provide services directly to the public.
- 212 ~~[(21)]~~ (22) "Private record" means a record containing data on individuals that is private as
- 213 provided by Section 63G-2-302.
- 214 ~~[(22)]~~ (23) "Protected record" means a record that is classified protected as provided by
- 215 Section 63G-2-305.
- 216 ~~[(23)]~~ (24) "Public record" means a record that is not private, controlled, or protected and
- 217 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 218 ~~[(24)]~~ (25) "Reasonable search" means a search that is:
- 219 (a) reasonable in scope and intensity; and
- 220 (b) not unreasonably burdensome for the government entity.
- 221 ~~[(25)]~~ (26)(a) "Record" means a book, letter, document, paper, map, plan, photograph,
- 222 film, card, tape, recording, electronic data, or other documentary material regardless
- 223 of physical form or characteristics:
- 224 (i) that is prepared, owned, received, or retained by a governmental entity or political
- 225 subdivision; and
- 226 (ii) where all of the information in the original is reproducible by photocopy or other
- 227 mechanical or electronic means.
- 228 (b) "Record" does not include:
- 229 (i) a personal note or personal communication prepared or received by an employee
- 230 or officer of a governmental entity:
- 231 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 232 (B) that is unrelated to the conduct of the public's business;
- 233 (ii) a temporary draft or similar material prepared for the originator's personal use or
- 234 prepared by the originator for the personal use of an individual for whom the

- 235 originator is working;
- 236 (iii) material that is legally owned by an individual in the individual's private capacity;
- 237 (iv) material to which access is limited by the laws of copyright or patent unless the
- 238 copyright or patent is owned by a governmental entity or political subdivision;
- 239 (v) proprietary software;
- 240 (vi) junk mail or a commercial publication received by a governmental entity or an
- 241 official or employee of a governmental entity;
- 242 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
- 243 of a library open to the public;
- 244 (viii) material that is cataloged, indexed, or inventoried and contained in the
- 245 collections of a library open to the public, regardless of physical form or
- 246 characteristics of the material;
- 247 (ix) a daily calendar ;
- 248 (x) a note prepared by the originator for the originator's own use or for the sole use of
- 249 an individual for whom the originator is working;
- 250 (xi) a computer program that is developed or purchased by or for any governmental
- 251 entity for its own use;
- 252 (xii) a note or internal memorandum prepared as part of the deliberative process by:
- 253 (A) a member of the judiciary;
- 254 (B) an administrative law judge;
- 255 (C) a member of the Board of Pardons and Parole; or
- 256 (D) a member of any other body, other than an association or appeals panel as
- 257 defined in Section 53G-7-1101, charged by law with performing a
- 258 quasi-judicial function;
- 259 (xiii) a telephone number or similar code used to access a mobile communication
- 260 device that is used by an employee or officer of a governmental entity, provided
- 261 that the employee or officer of the governmental entity has designated at least one
- 262 business telephone number that is a public record as provided in Section
- 263 63G-2-301;
- 264 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
- 265 created in Section 49-20-103, to a county to enable the county to calculate the
- 266 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 267 (xv) information that an owner of unimproved property provides to a local entity as
- 268 provided in Section 11-42-205;

- 269 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
 270 recording, that is conducted at a Children's Justice Center established under
 271 Section 67-5b-102;
- 272 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 273 (xviii) before final disposition of an ethics complaint occurs, a video or audio
 274 recording of the closed portion of a meeting or hearing of:
- 275 (A) a Senate or House Ethics Committee;
- 276 (B) the Independent Legislative Ethics Commission;
- 277 (C) the Independent Executive Branch Ethics Commission, created in Section
 278 63A-14-202; or
- 279 (D) the Political Subdivisions Ethics Review Commission established in Section
 280 63A-15-201;
- 281 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
 282 58-61-702;
- 283 (xx) any item described in Subsection [~~(25)(a)~~] (26)(a) that is:
- 284 (A) described in Subsection [~~63G-2-305(17), (18), or (23)(b)~~] 63G-2-305(18),
 285 (19), or (24)(b); and
- 286 (B) shared between any of the following entities:
- 287 (I) the Division of Risk Management;
- 288 (II) the Office of the Attorney General;
- 289 (III) the governor's office; or
- 290 (IV) the Legislature; or
- 291 (xxi) the email address that a candidate for elective office provides to a filing officer
 292 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).
- 293 (27)(a) "Record of alleged employment or workplace misconduct" means a record that
 294 relates in any way to information, a report, an inquiry, an assertion, an allegation, a
 295 rumor, or a complaint that:
- 296 (i) an elected official or other government employee, agent, or volunteer is a
 297 perpetrator of, a witness of, or a victim of unlawful harassment, unlawful
 298 discriminatory conduct, discriminatory conduct in violation of a policy, or related
 299 retaliation; or
- 300 (ii) an incident of unlawful harassment, other unlawful discriminatory conduct,
 301 discriminatory conduct in violation of a policy, or related retaliation occurred at
 302 the workplace of an elected official or other government employee, agent, or

303 volunteer.

304 (b) "Record of alleged employment or workplace misconduct" includes:

305 (i) an investigatory record;

306 (ii) evidence;

307 (iii) notes;

308 (iv) written or recorded statements;

309 (v) testimony;

310 (vi) a formal or informal report or complaint; or

311 (vii) a record that would reveal anything regarding a matter described in Subsection

312 (27)(a) or the investigation, findings, or resolution of a matter described in

313 Subsection (27)(a).

314 (c) "Record of alleged employment or workplace misconduct" does not include a final

315 written decision on a matter of alleged employment or workplace misconduct.

316 [(26)] (28) "Record series" means a group of records that may be treated as a unit for
317 purposes of designation, description, management, or disposition.

318 [(27)] (29) "Records officer" means the individual appointed by the chief administrative
319 officer of each governmental entity, or the political subdivision to work with state
320 archives in the care, maintenance, scheduling, designation, classification, disposal, and
321 preservation of records.

322 [(28)] (30) "Schedule," "scheduling," and their derivative forms mean the process of
323 specifying the length of time each record series should be retained by a governmental
324 entity for administrative, legal, fiscal, or historical purposes and when each record series
325 should be transferred to the state archives or destroyed.

326 [(29)] (31) "Sponsored research" means research, training, and other sponsored activities as
327 defined by the federal Executive Office of the President, Office of Management and
328 Budget:

329 (a) conducted:

330 (i) by an institution within the state system of higher education defined in Section
331 53B-1-102; and

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

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

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

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

337 [(30)] (32) "State archives" means the Division of Archives and Records Service created in
338 Section 63A-12-101.

339 [(31)] (33) "State archivist" means the director of the state archives.

340 [(32)] (34) "State Records Committee" means the State Records Committee created in
341 Section 63G-2-501.

342 [(33)] (35) "Summary data" means statistical records and compilations that contain data
343 derived from private, controlled, or protected information but that do not disclose
344 private, controlled, or protected information.

345 Section 3. Section **63G-2-301** is amended to read:

346 **63G-2-301 . Public records.**

347 (1) As used in this section:

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

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

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

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

357 (2) The following records are public except to the extent they contain information expressly
358 permitted to be treated confidentially under the provisions of Subsections
359 63G-2-201(3)(b) and (6)(a):

360 (a) laws;

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

366 (i) undercover law enforcement personnel; and

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

369 (c) final opinions, including concurring and dissenting opinions, and orders that are
370 made by a governmental entity in an administrative, adjudicative, or judicial

- 371 proceeding except that if the proceedings were properly closed to the public, the
372 opinion and order may be withheld to the extent that they contain information that is
373 private, controlled, or protected;
- 374 (d) final interpretations of statutes or rules by a governmental entity unless classified as
375 protected as provided in Subsection 63G-2-305(17) or (18);
- 376 (e) information contained in or compiled from a transcript, minutes, or report of the open
377 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
378 Open and Public Meetings Act, including the records of all votes of each member of
379 the governmental entity;
- 380 (f) judicial records unless a court orders the records to be restricted under the rules of
381 civil or criminal procedure or unless the records are private under this chapter;
- 382 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
383 records filed with or maintained by county recorders, clerks, treasurers, surveyors,
384 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
385 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the
386 Division of Water Rights, or other governmental entities that give public notice of:
- 387 (i) titles or encumbrances to real property;
- 388 (ii) restrictions on the use of real property;
- 389 (iii) the capacity of persons to take or convey title to real property; or
- 390 (iv) tax status for real and personal property;
- 391 (h) records of the Department of Commerce that evidence incorporations, mergers, name
392 changes, and uniform commercial code filings;
- 393 (i) data on individuals that would otherwise be private under this chapter if the
394 individual who is the subject of the record has given the governmental entity written
395 permission to make the records available to the public;
- 396 (j) documentation of the compensation that a governmental entity pays to a contractor or
397 private provider;
- 398 (k) summary data;
- 399 (l) voter registration records, including an individual's voting history, except for a voter
400 registration record or those parts of a voter registration record that are classified as
401 private under Subsections 63G-2-302(1)(j) through (m) or withheld under Subsection
402 20A-2-104(7);
- 403 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
404 available, and email address, if available, where that elected official may be reached

- 405 as required in Title 11, Chapter 47, Access to Elected Officials;
- 406 (n) for a school community council member, a telephone number, if available, and email
407 address, if available, where that elected official may be reached directly as required
408 in Section 53G-7-1203;
- 409 (o) annual audited financial statements of the Utah Educational Savings Plan described
410 in Section 53B-8a-111; and
- 411 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
412 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 413 (3) The following records are normally public, but to the extent that a record is expressly
414 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
415 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 416 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 417 (b) records documenting a contractor's or private provider's compliance with the terms
418 of a contract with a governmental entity;
- 419 (c) records documenting the services provided by a contractor or a private provider to
420 the extent the records would be public if prepared by the governmental entity;
- 421 (d) contracts entered into by a governmental entity;
- 422 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
423 by a governmental entity;
- 424 (f) records relating to government assistance or incentives publicly disclosed, contracted
425 for, or given by a governmental entity, encouraging a person to expand or relocate a
426 business in Utah, except as provided in Subsection 63G-2-305(35);
- 427 (g) chronological logs and initial contact reports;
- 428 (h) correspondence by and with a governmental entity in which the governmental entity
429 determines or states an opinion upon the rights of the state, a political subdivision,
430 the public, or any person;
- 431 (i) empirical data contained in drafts if:
- 432 (i) the empirical data is not reasonably available to the requester elsewhere in similar
433 form; and
- 434 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
435 make nonsubstantive changes before release;
- 436 (j) drafts that are circulated to anyone other than:
- 437 (i) a governmental entity;
- 438 (ii) a political subdivision;

- 439 (iii) a federal agency if the governmental entity and the federal agency are jointly
440 responsible for implementation of a program or project that has been legislatively
441 approved;
- 442 (iv) a government-managed corporation; or
443 (v) a contractor or private provider;
- 444 (k) drafts that have never been finalized but were relied upon by the governmental entity
445 in carrying out action or policy;
- 446 (l) original data in a computer program if the governmental entity chooses not to
447 disclose the program;
- 448 (m) arrest warrants after issuance, except that, for good cause, a court may order
449 restricted access to arrest warrants prior to service;
- 450 (n) search warrants after execution and filing of the return, except that a court, for good
451 cause, may order restricted access to search warrants prior to trial;
- 452 ~~[(o) records that would disclose information relating to formal charges or disciplinary
453 actions against a past or present governmental entity employee if:]~~
- 454 ~~[(i) the disciplinary action has been completed and all time periods for administrative
455 appeal have expired; and]~~
- 456 ~~[(ii) the charges on which the disciplinary action was based were sustained;]~~
- 457 (o) a final written decision on a matter of alleged employment or workplace misconduct;
- 458 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
459 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
460 evidence mineral production on government lands;
- 461 (q) final audit reports;
- 462 (r) occupational and professional licenses;
- 463 (s) business licenses;
- 464 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
465 records used to initiate proceedings for discipline or sanctions against persons
466 regulated by a governmental entity, but not including records that initiate employee
467 discipline; and
- 468 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
469 the operation of a correctional facility or the care and control of inmates
470 committed to the custody of a correctional facility; and
- 471 (ii) records that disclose the results of an audit or other inspection assessing a
472 correctional facility's compliance with a standard, regulation, policy, guideline, or

473 rule described in Subsection (3)(u)(i).

474 (4) The list of public records in this section is not exhaustive and should not be used to limit
475 access to records.

476 Section 4. Section **63G-2-302** is amended to read:

477 **63G-2-302 . Private records.**

478 (1) The following records are private:

479 (a) records concerning an individual's eligibility for unemployment insurance benefits,
480 social services, welfare benefits, or the determination of benefit levels;

481 (b) records containing data on individuals describing medical history, diagnosis,
482 condition, treatment, evaluation, or similar medical data;

483 (c) records of publicly funded libraries that when examined alone or with other records
484 identify a patron;

485 (d) records received by or generated by or for:

486 (i) the Independent Legislative Ethics Commission, except for:

487 (A) the commission's summary data report that is required under legislative rule;
488 and

489 (B) any other document that is classified as public under legislative rule; or

490 (ii) a Senate or House Ethics Committee in relation to the review of ethics
491 complaints, unless the record is classified as public under legislative rule;

492 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
493 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
494 Review of Executive Branch Ethics Complaints;

495 (f) records received or generated for a Senate confirmation committee concerning
496 character, professional competence, or physical or mental health of an individual:

497 (i) if, prior to the meeting, the chair of the committee determines release of the
498 records:

499 (A) reasonably could be expected to interfere with the investigation undertaken by
500 the committee; or

501 (B) would create a danger of depriving a person of a right to a fair proceeding or
502 impartial hearing; and

503 (ii) after the meeting, if the meeting was closed to the public;

504 (g) employment records concerning a current or former employee of, or applicant for
505 employment with, a governmental entity that would disclose that individual's home

506 address, home telephone number, social security number, insurance coverage, marital

- 507 status, or payroll deductions;
- 508 (h) records or parts of records under Section 63G-2-303 that a current or former
509 employee identifies as private according to the requirements of that section;
- 510 (i) that part of a record indicating a person's social security number or federal employer
511 identification number if provided under Section 31A-23a-104, 31A-25-202,
512 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 513 (j) that part of a voter registration record identifying a voter's:
- 514 (i) driver license or identification card number;
- 515 (ii) social security number, or last four digits of the social security number;
- 516 (iii) email address;
- 517 (iv) date of birth; or
- 518 (v) phone number;
- 519 (k) a voter registration record that is classified as a private record by the lieutenant
520 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
521 20A-2-204(4)(b);
- 522 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 523 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
524 verification submitted in support of the form;
- 525 (n) a record that:
- 526 (i) contains information about an individual;
- 527 (ii) is voluntarily provided by the individual; and
- 528 (iii) goes into an electronic database that:
- 529 (A) is designated by and administered under the authority of the Chief Information
530 Officer; and
- 531 (B) acts as a repository of information about the individual that can be
532 electronically retrieved and used to facilitate the individual's online interaction
533 with a state agency;
- 534 (o) information provided to the Commissioner of Insurance under:
- 535 (i) Subsection 31A-23a-115(3)(a);
- 536 (ii) Subsection 31A-23a-302(4); or
- 537 (iii) Subsection 31A-26-210(4);
- 538 (p) information obtained through a criminal background check under Title 11, Chapter
539 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 540 (q) information provided by an offender that is:

- 541 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and
542 Child Abuse Offender Registry; and
- 543 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 544 (r) a statement and any supporting documentation filed with the attorney general in
545 accordance with Section 34-45-107, if the federal law or action supporting the filing
546 involves homeland security;
- 547 (s) electronic toll collection customer account information received or collected under
548 Section 72-6-118 and customer information described in Section 17B-2a-815
549 received or collected by a public transit district, including contact and payment
550 information and customer travel data;
- 551 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 552 (u) a completed military-overseas ballot that is electronically transmitted under Title
553 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 554 (v) records received by or generated by or for the Political Subdivisions Ethics Review
555 Commission established in Section 63A-15-201, except for:
- 556 (i) the commission's summary data report that is required in Section 63A-15-202; and
557 (ii) any other document that is classified as public in accordance with Title 63A,
558 Chapter 15, Political Subdivisions Ethics Review Commission;
- 559 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
560 incident or threat;
- 561 (x) a criminal background check or credit history report conducted in accordance with
562 Section 63A-3-201;
- 563 (y) a record described in Subsection 53-5a-104(7);
- 564 (z) on a record maintained by a county for the purpose of administering property taxes,
565 an individual's:
- 566 (i) email address;
- 567 (ii) phone number; or
- 568 (iii) personal financial information related to a person's payment method;
- 569 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
570 exemption, deferral, abatement, or relief under:
- 571 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 572 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 573 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 574 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;

- 575 (bb) a record provided by the State Tax Commission in response to a request under
576 Subsection 59-1-403(4)(y)(iii);
- 577 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
578 child welfare case, as described in Subsection 36-33-103(3);~~and~~
- 579 (dd) a record relating to drug or alcohol testing of a state employee under Section
580 63A-17-1004;
- 581 (ee) a record relating to a request by a state elected official or state employee who has
582 been threatened to the Division of Technology Services to remove personal
583 identifying information from the open web under Section 63A-16-109;~~and~~
- 584 (ff) a record including confidential information as that term is defined in Section [
585 ~~67-27-105.~~] 67-27-106; and
- 586 (gg) subject to Subsection (3), a record of alleged employment or workplace
587 misconduct, other than a final written decision on a matter of alleged employment or
588 workplace misconduct.
- 589 (2) The following records are private if properly classified by a governmental entity:
- 590 (a) ~~records~~ a record concerning a current or former employee of, or applicant for
591 employment with a governmental entity, including performance evaluations and
592 personal status information such as race, religion, or disabilities, but not including
593 records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or
594 private under Subsection (1)(b) or (1)(gg);
- 595 (b) records describing an individual's finances, except that the following are public:
- 596 (i) records described in Subsection 63G-2-301(2);
- 597 (ii) information provided to the governmental entity for the purpose of complying
598 with a financial assurance requirement; or
- 599 (iii) records that must be disclosed in accordance with another statute;
- 600 (c) records of independent state agencies if the disclosure of those records would
601 conflict with the fiduciary obligations of the agency;
- 602 (d) other records containing data on individuals the disclosure of which constitutes a
603 clearly unwarranted invasion of personal privacy;
- 604 (e) records provided by the United States or by a government entity outside the state that
605 are given with the requirement that the records be managed as private records, if the
606 providing entity states in writing that the record would not be subject to public
607 disclosure if retained by it;
- 608 (f) any portion of a record in the custody of the Division of Aging and Adult Services,

- 609 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
 610 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
 611 vulnerable adult; and
- 612 (g) audio and video recordings created by a body-worn camera, as defined in Section
 613 77-7a-103, that record sound or images inside a home or residence except for
 614 recordings that:
- 615 (i) depict the commission of an alleged crime;
- 616 (ii) record any encounter between a law enforcement officer and a person that results
 617 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 618 (iii) record any encounter that is the subject of a complaint or a legal proceeding
 619 against a law enforcement officer or law enforcement agency;
- 620 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
 621 (1)(f); or
- 622 (v) have been requested for reclassification as a public record by a subject or
 623 authorized agent of a subject featured in the recording.

624 (3) To encourage an individual who is a victim of unlawful discrimination, including
 625 unlawful harassment, to report the unlawful discrimination or unlawful harassment, the
 626 following provisions do not apply to a private record described in Subsection (1)(gg),
 627 and may not be used as a basis for disclosing the private record or information in the
 628 private record:

- 629 (a) Subsection 63G-2-102(3);
- 630 (b) Subsections 63G-2-201(5) and (14);
- 631 (c) Subsections 63G-2-202(7)(c)(iii) and (d);
- 632 (d) Subsection 63G-2-401(6);
- 633 (e) Subsection 63G-2-403(11)(b); and
- 634 (f) Subsection 63G-2-404(7).

- 635 ~~[(3)]~~ (4)(a) As used in this Subsection ~~[(3)]~~ (4), "medical records" means medical reports,
 636 records, statements, history, diagnosis, condition, treatment, and evaluation.
- 637 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 638 doctors, or affiliated entities are not private records or controlled records under
 639 Section 63G-2-304 when the records are sought:
- 640 (i) in connection with any legal or administrative proceeding in which the patient's
 641 physical, mental, or emotional condition is an element of any claim or defense; or
- 642 (ii) after a patient's death, in any legal or administrative proceeding in which any

643 party relies upon the condition as an element of the claim or defense.
644 (c) Medical records are subject to production in a legal or administrative proceeding
645 according to state or federal statutes or rules of procedure and evidence as if the
646 medical records were in the possession of a nongovernmental medical care provider.

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

648 **77-27-5 . Board of Pardons and Parole authority.**

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

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

655 (i) be released upon parole;

656 (ii) have a fine or forfeiture remitted;

657 (iii) have the offender's criminal accounts receivable remitted in accordance with
658 Section 77-32b-105 or 77-32b-106;

659 (iv) have the offender's payment schedule modified in accordance with Section
660 77-32b-103; or

661 (v) have the offender's sentence terminated.

662 (c) The board shall prioritize public safety when making a determination under
663 Subsection (1)(a) or (1)(b).

664 (d)(i) The board may sit together or in panels to conduct hearings.

665 (ii) The chair shall appoint members to the panels in any combination and in
666 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
667 Utah Administrative Rulemaking Act.

668 (iii) The chair may participate on any panel and when doing so is chair of the panel.

669 (iv) The chair of the board may designate the chair for any other panel.

670 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
671 an open session, the board may not:

672 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
673 receivable;

674 (B) release the offender on parole; or

675 (C) commute, pardon, or terminate an offender's sentence.

676 (ii) An action taken under this Subsection (1) other than by a majority of the board

- 677 shall be affirmed by a majority of the board.
- 678 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 679 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
680 shall be given to the offender.
- 681 (b) The county or district attorney's office responsible for prosecution of the case, the
682 sentencing court, and law enforcement officials responsible for the defendant's arrest
683 and conviction shall be notified of any board hearings through the board's website.
- 684 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
685 notified of original hearings and any hearing after that if notification is requested and
686 current contact information has been provided to the board.
- 687 (d)(i) Notice to the victim or the victim's representative shall include information
688 provided in Section 77-27-9.5, and any related rules made by the board under that
689 section.
- 690 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
691 reasonable for the lay person to understand.
- 692 (3)(a) A decision by the board is final and not subject for judicial review if the decision
693 is regarding:
- 694 (i) a pardon, parole, commutation, or termination of an offender's sentence;
695 (ii) the modification of an offender's payment schedule for restitution; or
696 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 697 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
698 4, Open and Public Meetings Act, when the board is engaged in the board's
699 deliberative process.
- 700 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xi)~~] ~~63G-2-103(26)(b)(xii)~~, records of the
701 deliberative process are exempt from Title 63G, Chapter 2, Government Records
702 Access and Management Act.
- 703 (d) Unless it will interfere with a constitutional right, deliberative processes are not
704 subject to disclosure, including discovery.
- 705 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 706 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's
707 power to grant respite or reprieves in all cases of convictions for offenses against the
708 state, except treason or conviction on impeachment.
- 709 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
710 next session of the board.

- 711 (c) At the next session of the board, the board:
- 712 (i) shall continue or terminate the respite or reprieve; or
- 713 (ii) may commute the punishment or pardon the offense as provided.
- 714 (d) In the case of conviction for treason, the governor may suspend execution of the
- 715 sentence until the case is reported to the Legislature at the Legislature's next session.
- 716 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
- 717 execution.
- 718 (5)(a) In determining when, where, and under what conditions an offender serving a
- 719 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
- 720 offender's criminal accounts receivable remitted, or have the offender's sentence
- 721 commuted or terminated, the board shall:
- 722 (i) consider whether the offender has made restitution ordered by the court under
- 723 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
- 724 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
- 725 commutation or termination of the offender's sentence;
- 726 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
- 727 making determinations under this Subsection (5);
- 728 (iii) consider information provided by the department regarding an offender's
- 729 individual case action plan; and
- 730 (iv) review an offender's status within 60 days after the day on which the board
- 731 receives notice from the department that the offender has completed all of the
- 732 offender's case action plan components that relate to activities that can be
- 733 accomplished while the offender is imprisoned.
- 734 (b) The board shall determine whether to remit an offender's criminal accounts
- 735 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
- 736 77-32b-106.
- 737 (6) In determining whether parole may be terminated, the board shall consider:
- 738 (a) the offense committed by the parolee; and
- 739 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 740 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
- 741 parole in accordance with the adult sentencing and supervision length guidelines, as
- 742 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the
- 743 requirements of the law.
- 744 (8) The board may not rely solely on an algorithm or a risk assessment tool score in

- 745 determining whether parole should be granted or terminated for an offender.
- 746 (9) The board may intervene as a limited-purpose party in a judicial or administrative
747 proceeding, including a criminal action, to seek:
- 748 (a) correction of an order that has or will impact the board's jurisdiction; or
749 (b) clarification regarding an order that may impact the board's jurisdiction.
- 750 (10) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days
751 after the day on which a court enters the order that impacts the board's jurisdiction.

752 Section 6. **Effective Date.**

753 This bill takes effect on May 7, 2025.