

HB0325S01 compared with HB0325

{Omitted text} shows text that was in HB0325 but was omitted in HB0325S01
inserted text shows text that was not in HB0325 but was inserted into HB0325S01

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3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to the classification of certain government records.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ classifies as public any record that documents a governmental entity's receipt or expenditure of funds, including:

9 • a record related to a financial account, budget, voucher, or grant;

10 • a financial report or general ledger; and

11 • a record documenting compensation a governmental entity pays to a vendor;

12 ▶ classifies as private any portion of:

13 • a record that reveals whether a taxpayer receives a specified property tax exemption, deferral, abatement, or other relief; and

14 • an initial contact report that reveals a victim's name; and

15 ▶ makes technical and conforming changes.

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18 **Money Appropriated in this Bill:**

HB0325

HB0325 compared with HB0325S01

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **63G-2-301** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

25 **63G-2-302** , as last amended by Laws of Utah 2025, Chapter 172

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

28 Section 1. Section **63G-2-301** is amended to read:

29 **63G-2-301. Public records.**

30 (1) As used in this section:

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

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

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

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

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

43 (a) laws;

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

49 (i) undercover law enforcement personnel; and

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

52 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the

HB0325 compared with HB0325S01

proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;

- 57 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18);
- 59 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;
- 63 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;
- 65 (g) unless otherwise classified as private under Section 63G-2-302 or 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:
 - 71 (i) titles or encumbrances to real property;
 - 72 (ii) restrictions on the use of real property;
 - 73 (iii) the capacity of persons to take or convey title to real property; or
 - 74 (iv) tax status for real and personal property;
- 75 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
- 77 (i) data on individuals that would otherwise be private under this chapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;
- 80 [(j) documentation of the compensation that a governmental entity pays to a contractor or private provider;]
- 82 [(k)] (j) summary data;
- 83 [(l)] (k) voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subsections 63G-2-302(1)(j) through (n) or withheld under Subsection 20A-2-104(7);

HB0325 compared with HB0325S01

[~~(m)~~] (l) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;

90 [~~(n)~~] (m) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53G-7-1203;

93 [~~(o)~~] (n) annual audited financial statements of the Utah Educational Savings Plan described in Section 53H-10-210; and

95 [~~(p)~~] (o) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.

97 (3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:

100 (a) administrative staff manuals, instructions to staff, and statements of policy;

101 (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;

103 (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;

105 (d) contracts entered into by a governmental entity;

106 [~~(e)~~ any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;]

108 (e) records that document a governmental entity's receipt or expenditure of funds, including:

110 (i) a record related to a financial account, budget, voucher, or grant;

111 (ii) a financial report or general ledger; and

112 (iii) a record that documents the compensation a governmental entity pays to a contractor, vendor, or private provider;

114 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);

117 (g) chronological logs and initial contact reports;

118 (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

HB0325 compared with HB0325S01

- 121 (i) empirical data contained in drafts if:
- 122 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
- 124 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
- 126 (j) drafts that are circulated to anyone other than:
- 127 (i) a governmental entity;
- 128 (ii) a political subdivision;
- 129 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
- 132 (iv) a government-managed corporation; or
- 133 (v) a contractor or private provider;
- 134 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- 136 (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- 138 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
- 140 (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
- 142 (o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:
- 144 (i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and
- 146 (ii) the charges on which the disciplinary action was based were sustained;
- 147 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;
- 150 (q) final audit reports;
- 151 (r) occupational and professional licenses;
- 152 (s) business licenses;
- 153

HB0325 compared with HB0325S01

(t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline; and

157 (u)

(i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and

160 (ii) records that disclose the results of an audit or other inspection assessing a correctional facility's compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).

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

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

63G-2-302. Private records.

167 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

HB0325 compared with HB0325S01

- 186 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 188 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
- 190 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
- 192 (ii) after the meeting, if the meeting was closed to the public;
- 193 (g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;
- 197 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;
- 199 (i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 202 (j) that part of a voter registration record identifying a voter's:
 - 203 (i) driver license or identification card number;
 - 204 (ii) social security number, or last four digits of the social security number;
 - 205 (iii) email address;
 - 206 (iv) date of birth; or
 - 207 (v) phone number;
- 208 (k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);
- 211 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 212 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;
- 214 (n) a record or information regarding whether a voter returned a ballot with postage attached;
- 216 (o) a record that:
 - 217 (i) contains information about an individual;
 - 218 (ii) is voluntarily provided by the individual; and
 - 219 (iii) goes into an electronic database that:
 - 220 (A) is designated by and administered under the authority of the Chief Information Officer; and
 - 222 (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

HB0325 compared with HB0325S01

225 (p) information provided to the Commissioner of Insurance under:

226 (i) Subsection 31A-23a-115(3)(a);

227 (ii) Subsection 31A-23a-302(4); or

228 (iii) Subsection 31A-26-210(4);

229 (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal
Background Checks by Political Subdivisions Operating Water Systems;

231 (r) information provided by an offender that is:

232 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
Offender Registry; and

234 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);

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

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

242 (u) an email address provided by a military or overseas voter under Section 20A-16-501;

243 (v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16,
Uniform Military and Overseas Voters Act;

245 (w) records received by or generated by or for the Political Subdivisions Ethics Review Commission
established in Section 63A-15-201, except for:

247 (i) the commission's summary data report that is required in Section 63A-15-202; and

248 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political
Subdivisions Ethics Review Commission;

250 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or
threat;

252 (y) a criminal background check or credit history report conducted in accordance with Section
63A-3-201;

254 (z) a record described in Subsection 53-5a-104(7);

255 (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:

257 (i) email address;

258 (ii) phone number; or

HB0325 compared with HB0325S01

259 (iii) personal financial information related to a person's payment method;

260 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:

262 (i) Title 59, Chapter 2, Part 11, Exemptions; or

263 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;

264 (cc) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);

266 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);

268 (ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;

270 (ff) a record relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109;

273 (gg) a record including confidential information as that term is defined in Section 67-27-106;[~~and~~

275 (hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:

277 (i) an application for certification described in Section 53-30-201; or

278 (ii) a security improvement, including a building permit application or building permit for a security improvement described in Section [53-30-301.] {53-30-301} ;53-30-301;

280 (ii) any portion of a record that reveals whether a taxpayer receives an exemption, deferral, abatement, or relief under:

282 {(i) {Title 59, Chapter 2, Part 11, Exemptions; or}}

282 (i) Section 59-2-1106; or

283 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax; and

284 (jj) any portion of an initial contact report that reveals the name of a victim.

285 (2) The following records are private if properly classified by a governmental entity:

286 (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

291 (b) records describing an individual's finances, except that the following are public:

HB0325 compared with HB0325S01

292 (i) records described in Subsection 63G-2-301(2);
293 (ii) information provided to the governmental entity for the purpose of complying with a financial
assurance requirement; or
295 (iii) records that must be disclosed in accordance with another statute;
296 (c) records of independent state agencies if the disclosure of those records would conflict with the
fiduciary obligations of the agency;
298 (d) other records containing data on individuals the disclosure of which constitutes a clearly
unwarranted invasion of personal privacy;
300 (e) records provided by the United States or by a government entity outside the state that are given
with the requirement that the records be managed as private records, if the providing entity states in
writing that the record would not be subject to public disclosure if retained by it;
304 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in
Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made
a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
308 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that
record sound or images inside a home or residence except for recordings that:
311 (i) depict the commission of an alleged crime;
312 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily
injury, or includes an instance when an officer fires a weapon;
314 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law
enforcement officer or law enforcement agency;
316 (iv) contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f); or
318 (v) have been requested for reclassification as a public record by a subject or authorized agent of a
subject featured in the recording.
320 (3)
322 (a) As used in this Subsection (3), "medical records" means medical reports, records, statements,
history, diagnosis, condition, treatment, and evaluation.
325 (b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or
affiliated entities are not private records or controlled records under Section 63G-2-304 when the
records are sought:

HB0325 compared with HB0325S01

- (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or
- 327 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.
- 329 (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

332 Section 3. **Effective date.**

This bill takes effect on May 6, 2026.

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