

1 **Lisa Shepherd** proposes the following substitute bill:

1 **Government Records Classification Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ classifies as public any record that documents a governmental entity's receipt or expenditure of funds, including:
 - a record related to a financial account, budget, voucher, or grant;
 - a financial report or general ledger; and
 - a record documenting compensation a governmental entity pays to a vendor;
- ▶ classifies as private any portion of:
 - a record that reveals whether a taxpayer receives a specified property tax exemption, deferral, abatement, or other relief; and
 - an initial contact report that reveals a victim's name; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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
32 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
34 designated for the public to contact an employee or officer of the governmental
35 agency.

36 (c) "Business telephone number" means a single telephone number of a governmental
37 agency designated for the public to contact an employee or officer of the
38 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
41 permitted to be treated confidentially under the provisions of Subsections
42 63G-2-201(3)(b) and (6)(a):

43 (a) laws;

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

49 (i) undercover law enforcement personnel; and

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

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

57 (d) final interpretations of statutes or rules by a governmental entity unless classified as
58 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
60 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
61 Open and Public Meetings Act, including the records of all votes of each member of
62 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;

(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:

- (i) titles or encumbrances to real property;
- (ii) restrictions on the use of real property;
- (iii) the capacity of persons to take or convey title to real property; or
- (iv) tax status for real and personal property;

(h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;

(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;

[~~(j) documentation of the compensation that a governmental entity pays to a contractor or private provider;~~]

[~~(k)~~] (j) summary data;

[~~(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);

[~~(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;

[~~(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;

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

[~~(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.

The following records are normally public, but to the extent that a record is expressly

98 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
99 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
102 of a contract with a governmental entity;
103 (c) records documenting the services provided by a contractor or a private provider to
104 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
107 by a governmental entity;~~]
108 (e) records that document a governmental entity's receipt or expenditure of funds,
109 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
113 contractor, vendor, or private provider;
114 (f) records relating to government assistance or incentives publicly disclosed, contracted
115 for, or given by a governmental entity, encouraging a person to expand or relocate a
116 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
119 determines or states an opinion upon the rights of the state, a political subdivision,
120 the public, or any person;
121 (i) empirical data contained in drafts if:
122 (i) the empirical data is not reasonably available to the requester elsewhere in similar
123 form; and
124 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
125 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
130 responsible for implementation of a program or project that has been legislatively
131 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
135 in carrying out action or policy;

136 (l) original data in a computer program if the governmental entity chooses not to
137 disclose the program;

138 (m) arrest warrants after issuance, except that, for good cause, a court may order
139 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
141 cause, may order restricted access to search warrants prior to trial;

142 (o) records that would disclose information relating to formal charges or disciplinary
143 actions against a past or present governmental entity employee if:
144 (i) the disciplinary action has been completed and all time periods for administrative
145 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
148 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
149 evidence mineral production on government lands;

150 (q) final audit reports;

151 (r) occupational and professional licenses;

152 (s) business licenses;

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

157 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
158 the operation of a correctional facility or the care and control of inmates
159 committed to the custody of a correctional facility; and
160 (ii) records that disclose the results of an audit or other inspection assessing a
161 correctional facility's compliance with a standard, regulation, policy, guideline, or
162 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
164 access to records.

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

166 **63G-2-302 . Private records.**

167 (1) The following records are private:

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

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

172 (c) records of publicly funded libraries that when examined alone or with other records
173 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;
177 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
180 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
182 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
183 Review of Executive Branch Ethics Complaints;

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

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

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

190 (B) would create a danger of depriving a person of a right to a fair proceeding or
191 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
194 employment with, a governmental entity that would disclose that individual's home
195 address, home telephone number, social security number, insurance coverage, marital
196 status, or payroll deductions;

197 (h) records or parts of records under Section 63G-2-303 that a current or former
198 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;

(j) that part of a voter registration record identifying a voter's:

- (i) driver license or identification card number;
- (ii) social security number, or last four digits of the social security number;
- (iii) email address;
- (iv) date of birth; or
- (v) phone number;

(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);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

(n) a record or information regarding whether a voter returned a ballot with postage attached;

(o) a record that:

- (i) contains information about an individual;
- (ii) is voluntarily provided by the individual; and
- (iii) goes into an electronic database that:
 - (A) is designated by and administered under the authority of the Chief Information Officer; and
 - (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;

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

- (i) Subsection 31A-23a-115(3)(a);
- (ii) Subsection 31A-23a-302(4); or
- (iii) Subsection 31A-26-210(4);

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

(r) information provided by an offender that is:

- (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
236 accordance with Section 34-45-107, if the federal law or action supporting the filing
237 involves homeland security;
238 (t) electronic toll collection customer account information received or collected under
239 Section 72-6-118 and customer information described in Section 17B-2a-815
240 received or collected by a public transit district, including contact and payment
241 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
244 20A, Chapter 16, Uniform Military and Overseas Voters Act;
245 (w) records received by or generated by or for the Political Subdivisions Ethics Review
246 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,
249 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
251 incident or threat;
252 (y) a criminal background check or credit history report conducted in accordance with
253 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,
256 an individual's:
257 (i) email address;
258 (ii) phone number; or
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
261 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
265 Subsection 59-1-403(4)(y)(iii);
266 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
267 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
269 63A-17-1004;

270 (ff) a record relating to a request by a state elected official or state employee who has
271 been threatened to the Division of Technology Services to remove personal
272 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
274 67-27-106;[~~and~~]

275 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
276 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
279 permit for a security improvement described in Section [53-30-301.] ;~~53-30-301;~~
280 (ii) any portion of a record that reveals whether a taxpayer receives an exemption,
281 deferral, abatement, or relief under:
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
287 with a governmental entity, including performance evaluations and personal status
288 information such as race, religion, or disabilities, but not including records that are
289 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
290 Subsection (1)(b);
291 (b) records describing an individual's finances, except that the following are public:
292 (i) records described in Subsection 63G-2-301(2);
293 (ii) information provided to the governmental entity for the purpose of complying
294 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
297 conflict with the fiduciary obligations of the agency;
298 (d) other records containing data on individuals the disclosure of which constitutes a
299 clearly unwarranted invasion of personal privacy;
300 (e) records provided by the United States or by a government entity outside the state that
301 are given with the requirement that the records be managed as private records, if the

302 providing entity states in writing that the record would not be subject to public
303 disclosure if retained by it;

304 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
305 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
306 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
307 vulnerable adult; and

308 (g) audio and video recordings created by a body-worn camera, as defined in Section
309 77-7a-103, that record sound or images inside a home or residence except for
310 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
313 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
315 against a law enforcement officer or law enforcement agency;
- 316 (iv) contain an officer-involved critical incident as defined in Subsection
317 76-2-408(1)(f); or
- 318 (v) have been requested for reclassification as a public record by a subject or
319 authorized agent of a subject featured in the recording.

320 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
321 statements, history, diagnosis, condition, treatment, and evaluation.

322 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
323 doctors, or affiliated entities are not private records or controlled records under
324 Section 63G-2-304 when the records are sought:

- 325 (i) in connection with any legal or administrative proceeding in which the patient's
326 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
328 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
330 according to state or federal statutes or rules of procedure and evidence as if the
331 medical records were in the possession of a nongovernmental medical care provider.

332 **Section 3. Effective Date.**

333 This bill takes effect on May 6, 2026.