

1 **Government Records Access Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

LONG TITLE**General Description:**

This bill modifies provisions related to government records access.

Highlighted Provisions:

This bill:

- ▶ prohibits an individual who is the subject of a record request from:
 - classifying a record responsive to the record request;
 - participating in the governmental entity's review of or response to the record request;
- and
 - participating in an appeal related to the record request; and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

63G-2-103, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

63G-2-204, as last amended by Laws of Utah 2023, Chapter 173

63G-2-307, as last amended by Laws of Utah 2025, Chapter 475

63G-2-401, as last amended by Laws of Utah 2025, Chapter 476

63G-2-701, as last amended by Laws of Utah 2025, Chapter 476

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

27 Section 1. Section **63G-2-103** is amended to read:

28 **63G-2-103 . Definitions.**

29 As used in this chapter:

30 (1) "Audit" means:

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

34 (b) a systematic examination of program procedures and operations for the purpose of
35 determining their effectiveness, economy, efficiency, and compliance with statutes
36 and regulations.

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

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

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

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

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

47 (5)(a) "Computer program" means:

48 (i) a series of instructions or statements that permit the functioning of a computer
49 system in a manner designed to provide storage, retrieval, and manipulation of
50 data from the computer system; and

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

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

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

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

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

60 (6)(a) "Contractor" means:

61 (i) any person who contracts with a governmental entity to provide goods or services
62 directly to a governmental entity; or

63 (ii) any private, nonprofit organization that receives funds from a governmental entity.

64 (b) "Contractor" does not mean a private provider.

- 65 (7) "Controlled record" means a record containing data on individuals that is controlled as
66 provided by Section 63G-2-304.
- 67 (8) "Designation," "designate," and their derivative forms mean indicating, based on a
68 governmental entity's familiarity with a record series or based on a governmental entity's
69 review of a reasonable sample of a record series, the primary classification that a
70 majority of records in a record series would be given if classified and the classification
71 that other records typically present in the record series would be given if classified.
- 72 (9) "Elected official" means each person elected to a state office, county office, municipal
73 office, school board or school district office, special district office, or special service
74 district office, but does not include judges.
- 75 (10) "Explosive" means a chemical compound, device, or mixture:
76 (a) commonly used or intended for the purpose of producing an explosion; and
77 (b) that contains oxidizing or combustive units or other ingredients in proportions,
78 quantities, or packing so that:
79 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
80 compound or mixture may cause a sudden generation of highly heated gases; and
81 (ii) the resultant gaseous pressures are capable of:
82 (A) producing destructive effects on contiguous objects; or
83 (B) causing death or serious bodily injury.
- 84 (11) "Government audit agency" means any governmental entity that conducts an audit.
- 85 (12)(a) "Governmental entity" means:
86 (i) executive department agencies of the state, the offices of the governor, lieutenant
87 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
88 and Parole, the Board of Examiners, the National Guard, the Career Service
89 Review Office, the State Board of Education, the Utah Board of Higher
90 Education, and the State Archives;
91 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
92 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
93 legislative committees, except any political party, group, caucus, or rules or sifting
94 committee of the Legislature;
95 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
96 administrative units in the judicial branch;
97 (iv) any state-funded institution of higher education or public education; or
98 (v) any political subdivision of the state, but, if a political subdivision has adopted an

99 ordinance or a policy relating to information practices pursuant to Section
100 63G-2-701, this chapter shall apply to the political subdivision to the extent
101 specified in Section 63G-2-701 or as specified in any other section of this chapter
102 that specifically refers to political subdivisions.

103 (b) "Governmental entity" also means:

- 104 (i) every office, agency, board, bureau, committee, department, advisory board, or
105 commission of an entity listed in Subsection (12)(a) that is funded or established
106 by the government to carry out the public's business;
- 107 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
108 undertaking, except for the Water District Water Development Council created
109 pursuant to Section 11-13-228;
- 110 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 111 (iv) an association as defined in Section 53G-7-1101;
- 112 (v) the Utah Independent Redistricting Commission; and
- 113 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
114 more law enforcement officers, as defined in Section 53-13-103.

115 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
116 Section 53H-10-202.

117 (13) "Government Records Office" means the same as that term is defined in Section
118 63A-12-201.

119 (14) "Gross compensation" means every form of remuneration payable for a given period to
120 an individual for services provided including salaries, commissions, vacation pay,
121 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and
122 any similar benefit received from the individual's employer.

123 (15) "Individual" means a human being.

124 (16)(a) "Initial contact report" means an initial written or recorded report, however
125 titled, prepared by peace officers engaged in public patrol or response duties
126 describing official actions initially taken in response to either a public complaint
127 about or the discovery of an apparent violation of law, which report may describe:

- 128 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 129 (ii) names of victims;
- 130 (iii) the nature or general scope of the agency's initial actions taken in response to the
131 incident;
- 132 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

133 (v) the name, address, and other identifying information about any person arrested or
134 charged in connection with the incident; or
135 (vi) the identity of the public safety personnel, except undercover personnel, or
136 prosecuting attorney involved in responding to the initial incident.

137 (b) Initial contact reports do not include follow-up or investigative reports prepared after
138 the initial contact report. However, if the information specified in Subsection (16)(a)
139 appears in follow-up or investigative reports, it may only be treated confidentially if
140 it is private, controlled, protected, or exempt from disclosure under Subsection
141 63G-2-201(3)(b).

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

144 (17) "Legislative body" means the Legislature.

145 (18) "Notice of compliance" means a statement confirming that a governmental entity has
146 complied with an order of the director of the Government Records Office.

147 (19) "Person" means:

148 (a) an individual;

149 (b) a nonprofit or profit corporation;

150 (c) a partnership;

151 (d) a sole proprietorship;

152 (e) other type of business organization; or

153 (f) any combination acting in concert with one another.

154 (20) "Private provider" means any person who contracts with a governmental entity to
155 provide services directly to the public.

156 (21) "Private record" means a record containing data on individuals that is private as
157 provided by Section 63G-2-302.

158 (22) "Protected record" means a record that is classified protected as provided by Section
159 63G-2-305.

160 (23) "Public record" means a record that is not private, controlled, or protected and that is
161 not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

162 (24) "Reasonable search" means a search that is:

163 (a) reasonable in scope and intensity; and

164 (b) not unreasonably burdensome for the government entity.

165 (25)(a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
166 card, tape, recording, electronic data, or other documentary material regardless of

167 physical form or characteristics:

168 (i) that is prepared, owned, received, or retained by a governmental entity or political
169 subdivision; and

170 (ii) where all of the information in the original is reproducible by photocopy or other
171 mechanical or electronic means.

172 (b) "Record" does not include:

173 (i) a personal note or personal communication prepared or received by an employee
174 or officer of a governmental entity:

175 (A) in a capacity other than the employee's or officer's governmental capacity; or
176 (B) that is unrelated to the conduct of the public's business;

177 (ii) a temporary draft or similar material prepared for the originator's personal use or
178 prepared by the originator for the personal use of an individual for whom the
179 originator is working;

180 (iii) material that is legally owned by an individual in the individual's private capacity;

181 (iv) material to which access is limited by the laws of copyright or patent unless the
182 copyright or patent is owned by a governmental entity or political subdivision;

183 (v) proprietary software;

184 (vi) junk mail or a commercial publication received by a governmental entity or an
185 official or employee of a governmental entity;

186 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
187 of a library open to the public;

188 (viii) material that is cataloged, indexed, or inventoried and contained in the
189 collections of a library open to the public, regardless of physical form or
190 characteristics of the material;

191 (ix) a daily calendar ;

192 (x) a note prepared by the originator for the originator's own use or for the sole use of
193 an individual for whom the originator is working;

194 (xi) a computer program that is developed or purchased by or for any governmental
195 entity for its own use;

196 (xii) a note or internal memorandum prepared as part of the deliberative process by:
197 (A) a member of the judiciary;

198 (B) an administrative law judge;

199 (C) a member of the Board of Pardons and Parole; or

200 (D) a member of any other body, other than an association or appeals panel as

201 defined in Section 53G-7-1101, charged by law with performing a
202 quasi-judicial function;

203 (xiii) a telephone number or similar code used to access a mobile communication
204 device that is used by an employee or officer of a governmental entity, provided
205 that the employee or officer of the governmental entity has designated at least one
206 business telephone number that is a public record as provided in Section
207 63G-2-301;

208 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
209 created in Section 49-20-103, to a county to enable the county to calculate the
210 amount to be paid to a health care provider under Subsection 17-63-706(2)(e)(ii);

211 (xv) information that an owner of unimproved property provides to a local entity as
212 provided in Section 11-42-205;

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

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

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

219 (A) a Senate or House Ethics Committee;

220 (B) the Independent Legislative Ethics Commission;

221 (C) the Independent Executive Branch Ethics Commission, created in Section
222 63A-14-202; or

223 (D) the Political Subdivisions Ethics Review Commission established in Section
224 63A-15-201;

225 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
226 58-61-702;

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

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

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

230 (I) the Division of Risk Management;

231 (II) the Office of the Attorney General;

232 (III) the governor's office; or

233 (IV) the Legislature;

234 (xxi) the email address that a candidate for elective office provides to a filing officer

under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv); or

ii) except as provided in Sections 31A-16-105, 31A-16-107.5, and 27a-3-303, an investment policy, or information related to an investment policy, provided to the insurance commissioner as described in Title 31A, Chapter 18, Investments.

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

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

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

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

(a) conducted:

(i) by an institution within the state system of higher education described in Section 53H-1-102; and

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

(b) funded or otherwise supported by an external:

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

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

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

(31) "State archivist" means the director of the state archives.

(32) "Subject of a record request" means an individual who:

(a) is named in the portion of a record request that describes the record or records requested; or

(b) authored, signed, or had other similar direct involvement in the creation of a record that is responsive to a record request.

[32] (33) "Summary data" means statistical records and compilations that contain data

269 derived from private, controlled, or protected information but that do not disclose
270 private, controlled, or protected information.

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

272 **63G-2-204 . Record request -- Response -- Time for responding.**

273 (1)(a) A person making a request for a record shall submit to the governmental entity
274 that retains the record a written request containing:

275 (i) the person's:

276 (A) name;

277 (B) mailing address;

278 (C) email address, if the person has an email address and is willing to accept
279 communications by email relating to the person's records request; and

280 (D) daytime telephone number; and

281 (ii) a description of the record requested that identifies the record with reasonable
282 specificity.

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

284 (ii) Subsection (1)(b)(i) may not be construed to prevent a person from submitting a
285 separate record request to each of multiple governmental entities, even if each of
286 the separate requests seeks access to the same record.

287 (2)(a) In response to a request for a record, a governmental entity may not provide a
288 record that it has received under Section 63G-2-206 as a shared record.

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

291 (i) deny the records request; and

292 (ii) inform the person making the request of the identity of the governmental entity
293 from which the shared record was received.

294 (3) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah
295 Administrative Rulemaking Act, specifying where and to whom requests for access shall
296 be directed.

297 (4)(a) After receiving a request for a record, a governmental entity shall:

298 [({a})] (i) review each request that seeks an expedited response and notify, within five
299 business days after receiving the request, each requester that has not demonstrated
300 that their record request benefits the public rather than the person that their
301 response will not be expedited; and

302 [({b})] (ii) as soon as reasonably possible, but no later than 10 business days after

303 receiving a written request, or five business days after receiving a written request
304 if the requester demonstrates that expedited response to the record request benefits
305 the public rather than the person:

306 [(i)] (A) approve the request and provide a copy of the record;

307 [(ii)] (B) deny the request in accordance with the procedures and requirements of
308 Section 63G-2-205;

309 [(iii)] (C) notify the requester that it does not maintain the record requested and
310 provide, if known, the name and address of the governmental entity that does
311 maintain the record; or

312 [(iv)] (D) notify the requester that because of one of the extraordinary
313 circumstances listed in Subsection (6), it cannot immediately approve or deny
314 the request, and include with the notice[:]

315 [(A)] _a description of the circumstances that constitute the extraordinary
316 circumstances[;] and

317 [(B)] _the date when the records will be available, consistent with the requirements
318 of Subsection (7).

319 (b) An individual who is a subject of the record request may not participate in the
320 governmental entity's review of or response to the record request.

321 (5) Any person who requests a record to obtain information for a story or report for
322 publication or broadcast to the general public is presumed to be acting to benefit the
323 public rather than a person.

324 (6) The following circumstances constitute "extraordinary circumstances" that allow a
325 governmental entity to delay approval or denial by an additional period of time as
326 specified in Subsection (7) if the governmental entity determines that due to the
327 extraordinary circumstances it cannot respond within the time limits provided in
328 Subsection [(4)] (4)(a):

329 (a) another governmental entity is using the record, in which case the originating
330 governmental entity shall promptly request that the governmental entity currently in
331 possession return the record;

332 (b) another governmental entity is using the record as part of an audit, and returning the
333 record before the completion of the audit would impair the conduct of the audit;

334 (c)(i) the request is for a voluminous quantity of records or a record series containing
335 a substantial number of records; or

336 (ii) the requester seeks a substantial number of records or records series in requests

filed within five working days of each other;

- (d) the governmental entity is currently processing a large number of records requests;
 - (e) the request requires the governmental entity to review a large number of records to locate the records requested;
 - (f) the decision to release a record involves legal issues that require the governmental entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
 - (g) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
 - (h) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.

(7) If one of the extraordinary circumstances listed in Subsection (6) precludes approval or denial within the time specified in Subsection [4] (4)(a), the following time limits apply to the extraordinary circumstances:

- (a) for claims under Subsection (6)(a), the governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work;
 - (b) for claims under Subsection (6)(b), the originating governmental entity shall notify the requester when the record is available for inspection and copying;
 - (c) for claims under Subsections (6)(c), (d), and (e), the governmental entity shall:
 - (i) disclose the records that it has located which the requester is entitled to inspect;
 - (ii) provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request;
 - (iii) complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible; and
 - (iv) for any person that does not establish a right to an expedited response as authorized by Subsection [(4)] (4)(a), a governmental entity may choose to:
 - (A) require the person to provide for copying of the records as provided in Subsection 63G-2-201(10); or
 - (B) treat a request for multiple records as separate record requests, and respond sequentially to each request;
 - (d) for claims under Subsection (6)(f), the governmental entity shall either approve or deny the request within five business days after the response time specified for the original request has expired;

- 371 (e) for claims under Subsection (6)(g), the governmental entity shall fulfill the request
372 within 15 business days from the date of the original request; or
373 (f) for claims under Subsection (6)(h), the governmental entity shall complete its
374 programming and disclose the requested records as soon as reasonably possible.

- 375 (8)(a) If a request for access is submitted to an office of a governmental entity other than
376 that specified by rule in accordance with Subsection (3), the office shall promptly
377 forward the request to the appropriate office.
378 (b) If the request is forwarded promptly, the time limit for response begins when the
379 request is received by the office specified by rule.

- 380 (9) If the governmental entity fails to provide the requested records or issue a denial within
381 the specified time period, that failure is considered the equivalent of a determination
382 denying access to the record.

383 Section 3. Section **63G-2-307** is amended to read:

384 **63G-2-307 . Duty to evaluate records and make designations, classifications, and
385 annotations.**

- 386 (1) A governmental entity shall, for each record series that the governmental entity keeps,
387 uses, or creates:
388 (a) evaluate all record series;
389 (b) designate each record series as provided by this chapter and Title 63A, Chapter 12,
390 Division of Archives and Records Service and Management of Government Records;
391 and
392 (c) report to the state archives the designation described in Subsection (1)(b).
393 (2) A governmental entity may classify a particular record, record series, or information
394 within a record at any time, but is not required to classify a particular record, record
395 series, or information until access to the record is requested.
396 (3) A governmental entity may redesignate a record series or reclassify a record or record
397 series, or information within a record at any time.

398 (4)(a) An individual who authored, signed, or had other similar direct involvement in the
399 creation of a record, record series, or information within a record may not make the
400 final decision as to the record's, record series', or information's classification under
401 this section.

402 (b) If a governmental entity classifies a record, a record series, or information within a
403 record after a person requests access to the record or record series, an individual who
404 is a subject of the record request may not make the final decision as to the record's,

405 record series', or information's classification under this section.

406 Section 4. Section **63G-2-401** is amended to read:

407 **63G-2-401 . Appeal to chief administrative officer -- Notice of the decision of the**
408 **appeal.**

409 (1)(a) A requester or interested party may appeal an access denial or the denial of a fee
410 waiver under Subsection 63G-2-203(4) to the chief administrative officer of the
411 governmental entity by filing a notice of appeal with the chief administrative officer
412 within 30 days after:

413 (i) for an access denial:

- 414 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if
415 the governmental entity denies a record request under Subsection 63G-2-205(1);
416 or
417 (B) the record request is considered denied under Subsection 63G-2-204(9), if that
418 subsection applies; or

419 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester
420 that the fee waiver is denied.

421 (b) If a governmental entity claims extraordinary circumstances and specifies the date
422 when the records will be available under Subsection 63G-2-204(4), and, if the
423 requester believes the extraordinary circumstances do not exist or that the date
424 specified is unreasonable, the requester may appeal the governmental entity's claim
425 of extraordinary circumstances or date for compliance to the chief administrative
426 officer by filing a notice of appeal with the chief administrative officer within 30
427 days after notification of a claim of extraordinary circumstances by the governmental
428 entity, despite the lack of a "determination" or its equivalent under Subsection
429 63G-2-204(9).

430 (2) A notice of appeal shall contain:

- 431 (a) the name, mailing address, and daytime telephone number of the requester or
432 interested party; and
433 (b) the relief sought.

434 (3) The requester or interested party may file a short statement of facts, reasons, and legal
435 authority in support of the appeal.

436 (4)(a) If the appeal involves a record that is the subject of a business confidentiality
437 claim under Section 63G-2-309, the chief administrative officer shall:

- 438 (i) send notice of the appeal to the business confidentiality claimant within three

439 business days after receiving notice, except that if notice under this section must
440 be given to more than 35 persons, it shall be given as soon as reasonably possible;
441 and

442 (ii) send notice of the business confidentiality claim and the schedule for the chief
443 administrative officer's determination to the requester or interested party within
444 three business days after receiving notice of the appeal.

445 (b) The business confidentiality claimant shall have seven business days after notice is
446 sent by the administrative officer to submit further support for the claim of business
447 confidentiality.

448 (5)(a) The chief administrative officer shall make a decision on the appeal within:

449 (i)(A) 10 business days after the chief administrative officer's receipt of the notice
450 of appeal; or
451 (B) five business days after the chief administrative officer's receipt of the notice
452 of appeal, if the requester or interested party demonstrates that an expedited
453 decision benefits the public rather than the requester or interested party; or

454 (ii) 12 business days after the governmental entity sends the notice of appeal to a
455 person who submitted a claim of business confidentiality.

456 (b)(i) If the chief administrative officer fails to make a decision on an appeal of an
457 access denial within the time specified in Subsection (5)(a), the failure is the
458 equivalent of a decision affirming the access denial.

459 (ii) If the chief administrative officer fails to make a decision on an appeal under
460 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the
461 equivalent of a decision affirming the claim of extraordinary circumstances or the
462 reasonableness of the date specified when the records will be available.

463 (c) The provisions of this section notwithstanding, the parties participating in the
464 proceeding may, by agreement, extend the time periods specified in this section.

465 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon
466 consideration and weighing of the various interests and public policies pertinent to the
467 classification and disclosure or nondisclosure, order the disclosure of information
468 properly classified as private under Subsection 63G-2-302(2) or protected under Section
469 63G-2-305 if the interests favoring access are greater than or equal to the interests
470 favoring restriction of access.

471 (7)(a) The governmental entity shall send written notice of the chief administrative
472 officer's decision to all participants.

- 473 (b) If the chief administrative officer's decision is to affirm the access denial in whole or
474 in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall
475 include:
476 (i) a statement that the requester has a right under Section 63A-12-204 to request the
477 government records ombudsman to mediate the dispute between the requester and
478 the governmental entity concerning the access denial or the fee waiver denial;
479 (ii) a statement that the requester or interested party has the right to appeal the
480 decision, as provided in Section 63G-2-402, to:
481 (A) the director or district court; or
482 (B) the local appeals board, if the governmental entity is a political subdivision
483 and the governmental entity has established a local appeals board;
484 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including
485 an explanation of a suspension of the time limits, as provided in Subsections
486 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks
487 mediation under Section 63A-12-204; and
488 (iv) the name and business address of:
489 (A) the director;
490 (B) the individual designated as the contact individual for the appeals board, if the
491 governmental entity is a political subdivision that has established an appeals
492 board under Subsection 63G-2-701(5)(c); and
493 (C) the government records ombudsman.

- 494 (8)(a) A person aggrieved by a governmental entity's classification or designation
495 determination under this chapter, but who is not requesting access to the records, may
496 appeal that determination using the procedures provided in this section.
497 (b) If a nonrequester is the only appellant, the procedures provided in this section shall
498 apply, except that the decision on the appeal shall be made within 30 days after the
499 day on which the appellant files the notice of appeal.
500 (9)(a) The duties of the chief administrative officer under this section may be delegated.
501 (b) If the chief administrative officer is a subject of the records request that is the subject
502 of an appeal under this section, the chief administrative officer:
503 (i) may not participate in the appeal; and
504 (ii) for purposes of the appeal, shall delegate to another individual the chief
505 administrative officer's duties under this section.

506 Section 5. Section **63G-2-701** is amended to read:

507 **63G-2-701 . Political subdivisions may adopt ordinances in compliance with**
508 **chapter -- Appeal process.**

- 509 (1) As used in this section:
- 510 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.
- 511 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.
- 512 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.
- 513 (2)(a) Each political subdivision may adopt an ordinance or a policy applicable
514 throughout its jurisdiction relating to information practices including classification,
515 designation, access, denials, segregation, appeals, management, retention, and
516 amendment of records.
- 517 (b) The ordinance or policy shall comply with the criteria set forth in this section.
- 518 (c) If any political subdivision does not adopt and maintain an ordinance or policy, then
519 that political subdivision is subject to this chapter.
- 520 (d) Notwithstanding the adoption of an ordinance or policy, each political subdivision is
521 subject to Part 1, General Provisions, Part 3, Classification, and Sections 63A-12-105,
522 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and
523 63G-2-602.
- 524 (e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed with
525 the state archives no later than 30 days after its effective date.
- 526 (f) The political subdivision shall also report to the state archives all retention schedules,
527 and all designations and classifications applied to record series maintained by the
528 political subdivision.
- 529 (g) The report required by Subsection (2)(f) is notification to state archives of the
530 political subdivision's retention schedules, designations, and classifications. The
531 report is not subject to approval by state archives. If state archives determines that a
532 different retention schedule is needed for state purposes, state archives shall notify
533 the political subdivision of the state's retention schedule for the records and shall
534 maintain the records if requested to do so under Subsection 63A-12-105(2).
- 535 (3) Each ordinance or policy relating to information practices shall:
- 536 (a) provide standards for the classification and designation of the records of the political
537 subdivision as public, private, controlled, or protected in accordance with Part 3,
538 Classification;
- 539 (b) require the classification of the records of the political subdivision in accordance
540 with those standards;

541 (c) provide guidelines for establishment of fees in accordance with Section 63G-2-203;

542 and

543 (d) provide standards for the management and retention of the records of the political
544 subdivision comparable to Section 63A-12-103.

545 (4)(a) Each ordinance or policy shall:

546 (i) establish access criteria, procedures, and response times for requests to inspect,
547 obtain, or amend records of the political subdivision[~~, and~~];

548 (ii) prohibit an individual who is a subject of a record request from participating in
549 the political subdivision's review of and response to the record request; and

550 (iii) establish time limits for appeals consistent with this chapter.

551 (b) In establishing response times for access requests and time limits for appeals, the
552 political subdivision may establish reasonable time frames different than those set out
553 in Section 63G-2-204 and Part 4, Appeals, if it determines that the resources of the
554 political subdivision are insufficient to meet the requirements of those sections.

555 (5)(a) A political subdivision shall establish an appeals process for persons aggrieved by
556 classification, designation, or access decisions.

557 (b) A political subdivision's appeals process shall include a process for a requester or
558 interested party to appeal an access denial to a person designated by the political
559 subdivision as the chief administrative officer for purposes of an appeal under
560 Section 63G-2-401.

561 (c)(i) A political subdivision may establish an appeals board to decide an appeal of a
562 decision of the chief administrative officer affirming an access denial.

563 (ii) An appeals board established by a political subdivision shall be composed of
564 three members:

565 (A) one of whom shall be an employee of the political subdivision; and

566 (B) two of whom shall be members of the public who are not employed by or
567 officials of a governmental entity, at least one of whom shall have professional
568 experience with requesting or managing records.

569 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of
570 a chief administrative officer shall be made to the appeals board.

571 (iv) If a political subdivision does not establish an appeals board, the political
572 subdivision's appeals process shall provide for an appeal of a chief administrative
573 officer's decision to the director of the Government Records Office, as provided in
574 Section 63G-2-403.

575 (d) A political subdivision's appeals process shall prohibit an individual who is a subject
576 of a records request from participating in an appeal of a decision related to the
577 records request.

578 (6)(a) A political subdivision or requester may appeal an appeals board decision:

579 (i) to the director of the Government Records Office, as provided in Section
580 63G-2-403; or

581 (ii) by filing a petition for judicial review with the district court.

582 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the
583 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and
584 63G-2-404.

585 (c) A person who appeals an appeals board decision to the director of the Government
586 Records Office does not lose or waive the right to seek judicial review of the decision
587 of the director of the Government Records Office.

588 (7) Any political subdivision that adopts an ordinance or policy under Subsection [4] (2)
589 shall forward to state archives a copy and summary description of the ordinance or
590 policy.

591 **Section 6. Effective Date.**

592 This bill takes effect on May 6, 2026.