

**Government Records Access Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lisa Shepherd**

Senate Sponsor:

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**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

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

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

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

As used in this chapter:

(1) "Audit" means:

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

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

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

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

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

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

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

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

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

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

(b) "Computer program" does not mean:

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

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

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

(6)(a) "Contractor" means:

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

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

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

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

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

(b) "Governmental entity" also means:

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

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

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

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

(15) "Individual" means a human being.

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

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

- (v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or
- (vi) the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.
- (b) Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (16)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
- (c) Initial contact reports do not include accident reports, as that term is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- (17) "Legislative body" means the Legislature.
- (18) "Notice of compliance" means a statement confirming that a governmental entity has complied with an order of the director of the Government Records Office.
- (19) "Person" means:
- (a) an individual;
  - (b) a nonprofit or profit corporation;
  - (c) a partnership;
  - (d) a sole proprietorship;
  - (e) other type of business organization; or
  - (f) any combination acting in concert with one another.
- (20) "Private provider" means any person who contracts with a governmental entity to provide services directly to the public.
- (21) "Private record" means a record containing data on individuals that is private as provided by Section 63G-2-302.
- (22) "Protected record" means a record that is classified protected as provided by Section 63G-2-305.
- (23) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- (24) "Reasonable search" means a search that is:
- (a) reasonable in scope and intensity; and
  - (b) not unreasonably burdensome for the government entity.
- (25)(a) "Record" means a book, letter, document, paper, map, plan, photograph, film, 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

- defined in Section 53G-7-1101, charged by law with performing a quasi-judicial function;
- (xiii) a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record as provided in Section 63G-2-301;
- (xiv) information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-63-706(2)(e)(ii);
- (xv) information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205;
- (xvi) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;
- (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- (xviii) before final disposition of an ethics complaint occurs, a video or audio recording of the closed portion of a meeting or hearing of:
- (A) a Senate or House Ethics Committee;
- (B) the Independent Legislative Ethics Commission;
- (C) the Independent Executive Branch Ethics Commission, created in Section 63A-14-202; or
- (D) the Political Subdivisions Ethics Review Commission established in Section 63A-15-201;
- (xix) confidential communication described in Section 58-60-102, 58-61-102, or 58-61-702;
- (xx) any item described in Subsection (25)(a) that is:
- (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- (B) shared between any of the following entities:
- (I) the Division of Risk Management;
- (II) the Office of the Attorney General;
- (III) the governor's office; or
- (IV) the Legislature;
- (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  
(xxii) 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

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

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

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

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

(i) the person's:

(A) name;

(B) mailing address;

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

(D) daytime telephone number; and

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

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

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

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

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

(i) deny the records request; and

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

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

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

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

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

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

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

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

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

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

[(A)] \_a description of the circumstances that constitute the extraordinary circumstances[:]; and

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

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

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

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

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

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

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

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

- 337 filed within five working days of each other;
- 338 (d) the governmental entity is currently processing a large number of records requests;
- 339 (e) the request requires the governmental entity to review a large number of records to
- 340 locate the records requested;
- 341 (f) the decision to release a record involves legal issues that require the governmental
- 342 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations,
- 343 or case law;
- 344 (g) segregating information that the requester is entitled to inspect from information that
- 345 the requester is not entitled to inspect requires extensive editing; or
- 346 (h) segregating information that the requester is entitled to inspect from information that
- 347 the requester is not entitled to inspect requires computer programming.
- 348 (7) If one of the extraordinary circumstances listed in Subsection (6) precludes approval or
- 349 denial within the time specified in Subsection [~~(4)~~] (4)(a), the following time limits apply
- 350 to the extraordinary circumstances:
- 351 (a) for claims under Subsection (6)(a), the governmental entity currently in possession of
- 352 the record shall return the record to the originating entity within five business days of
- 353 the request for the return unless returning the record would impair the holder's work;
- 354 (b) for claims under Subsection (6)(b), the originating governmental entity shall notify
- 355 the requester when the record is available for inspection and copying;
- 356 (c) for claims under Subsections (6)(c), (d), and (e), the governmental entity shall:
- 357 (i) disclose the records that it has located which the requester is entitled to inspect;
- 358 (ii) provide the requester with an estimate of the amount of time it will take to finish
- 359 the work required to respond to the request;
- 360 (iii) complete the work and disclose those records that the requester is entitled to
- 361 inspect as soon as reasonably possible; and
- 362 (iv) for any person that does not establish a right to an expedited response as
- 363 authorized by Subsection [~~(4)~~] (4)(a), a governmental entity may choose to:
- 364 (A) require the person to provide for copying of the records as provided in
- 365 Subsection 63G-2-201(10); or
- 366 (B) treat a request for multiple records as separate record requests, and respond
- 367 sequentially to each request;
- 368 (d) for claims under Subsection (6)(f), the governmental entity shall either approve or
- 369 deny the request within five business days after the response time specified for the
- 370 original request has expired;

(e) for claims under Subsection (6)(g), the governmental entity shall fulfill the request within 15 business days from the date of the original request; or

(f) for claims under Subsection (6)(h), the governmental entity shall complete its programming and disclose the requested records as soon as reasonably possible.

(8)(a) If a request for access is submitted to an office of a governmental entity other than that specified by rule in accordance with Subsection (3), the office shall promptly forward the request to the appropriate office.

(b) If the request is forwarded promptly, the time limit for response begins when the request is received by the office specified by rule.

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

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

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

(1) A governmental entity shall, for each record series that the governmental entity keeps, uses, or creates:

(a) evaluate all record series;

(b) designate each record series as provided by this chapter and Title 63A, Chapter 12, Division of Archives and Records Service and Management of Government Records; and

(c) report to the state archives the designation described in Subsection (1)(b).

(2) A governmental entity may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series, or information until access to the record is requested.

(3) A governmental entity may redesignate a record series or reclassify a record or record series, or information within a record at any time.

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

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

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

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

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

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

(i) for an access denial:

(A) the governmental entity sends a notice of denial under Section 63G-2-205, if the governmental entity denies a record request under Subsection 63G-2-205(1); or

(B) the record request is considered denied under Subsection 63G-2-204(9), if that subsection applies; or

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

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

(2) A notice of appeal shall contain:

(a) the name, mailing address, and daytime telephone number of the requester or interested party; and

(b) the relief sought.

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

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

(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.

(b) If the chief administrative officer's decision is to affirm the access denial in whole or in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall include:

(i) a statement that the requester has a right under Section 63A-12-204 to request the government records ombudsman to mediate the dispute between the requester and the governmental entity concerning the access denial or the fee waiver denial;

(ii) a statement that the requester or interested party has the right to appeal the decision, as provided in Section 63G-2-402, to:

(A) the director or district court; or

(B) the local appeals board, if the governmental entity is a political subdivision and the governmental entity has established a local appeals board;

(iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including an explanation of a suspension of the time limits, as provided in Subsections 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks mediation under Section 63A-12-204; and

(iv) the name and business address of:

(A) the director;

(B) the individual designated as the contact individual for the appeals board, if the governmental entity is a political subdivision that has established an appeals board under Subsection 63G-2-701(5)(c); and

(C) the government records ombudsman.

(8)(a) A person aggrieved by a governmental entity's classification or designation determination under this chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section.

(b) If a nonrequester is the only appellant, the procedures provided in this section shall apply, except that the decision on the appeal shall be made within 30 days after the day on which the appellant files the notice of appeal.

(9)(a) The duties of the chief administrative officer under this section may be delegated.

(b) If the chief administrative officer is a subject of the records request that is the subject of an appeal under this section, the chief administrative officer:

(i) may not participate in the appeal; and

(ii) for purposes of the appeal, shall delegate to another individual the chief administrative officer's duties under this section.

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

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

(1) As used in this section:

- (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.
- (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.
- (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

(2)(a) Each political subdivision may adopt an ordinance or a policy applicable throughout its jurisdiction relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records.

(b) The ordinance or policy shall comply with the criteria set forth in this section.

(c) If any political subdivision does not adopt and maintain an ordinance or policy, then that political subdivision is subject to this chapter.

(d) Notwithstanding the adoption of an ordinance or policy, each political subdivision is subject to Part 1, General Provisions, Part 3, Classification, and Sections 63A-12-105, 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and 63G-2-602.

(e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed with the state archives no later than 30 days after its effective date.

(f) The political subdivision shall also report to the state archives all retention schedules, and all designations and classifications applied to record series maintained by the political subdivision.

(g) The report required by Subsection (2)(f) is notification to state archives of the political subdivision's retention schedules, designations, and classifications. The report is not subject to approval by state archives. If state archives determines that a different retention schedule is needed for state purposes, state archives shall notify the political subdivision of the state's retention schedule for the records and shall maintain the records if requested to do so under Subsection 63A-12-105(2).

(3) Each ordinance or policy relating to information practices shall:

- (a) provide standards for the classification and designation of the records of the political subdivision as public, private, controlled, or protected in accordance with Part 3, Classification;
- (b) require the classification of the records of the political subdivision in accordance with those standards;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Any political subdivision that adopts an ordinance or policy under Subsection ~~[(1)]~~ (2) shall forward to state archives a copy and summary description of the ordinance or policy.

**Section 6. Effective Date.**

This bill takes effect on May 6, 2026.