

Workforce Development
2026 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill establishes a statewide youth apprenticeship governance council and authorizes participation in the federal Workforce Pell Grant program.

Highlighted Provisions:

This bill:

- modifies definitions;
- authorizes the governor to delegate approval authority for eligible workforce programs to the Utah Board of Higher Education;
- authorizes the Department of Workforce Services to provide wage record data to the Utah Board of Higher Education;
- authorizes the Utah Board of Higher Education to enter into interstate agreements;
- provides governmental immunity;
- classifies certain student data as protected records;
- establishes the Statewide Youth Apprenticeship Governance Council to coordinate youth apprenticeship programs across state agencies and education providers; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-10-310, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53H-15-101, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

63G-2-305, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

ENACTS:

31 **53H-11-416**, Utah Code Annotated 1953

32 **53H-13-312**, Utah Code Annotated 1953

33 **53H-15-306**, Utah Code Annotated 1953

34 REPEALS AND REENACTS:

35 **53H-15-305**, as renumbered and amended by Laws of Utah 2025, First Special Session,
36 Chapter 8

37
38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **53E-10-310** is amended to read:

40 **53E-10-310 . Utah first credential program.**

41 (1) As used in this section:

42 (a) "Eligible institution" means an institution of higher education as defined in Section
43 53H-1-101.

44 (b) "First credential" means a certificate awarded by the state board to an eligible student
45 who meets the criteria described in Subsection (7).

46 (c)(i) "Industry-recognized credential" means a credential that is:

47 (A) developed and offered by, or endorsed by, a nationally recognized industry
48 association or organization representing a sizable portion of the industry sector;

49 (B) sought or accepted by employers within the industry or sector as a recognized,
50 preferred, or required credential for recruitment, screening, hiring, retention, or
51 advancement purposes; and

52 (C) regularly reviewed, updated, and validated by the issuing body to ensure
53 ongoing alignment with industry standards and labor market needs.

54 (ii) "Industry-recognized credential" may also include a credential offered through a
55 catalyst center as described in Section 53E-3-507.1.

56 (d) "Master credential list" means the list of ~~approved industry-recognized~~ credentials
57 that meets the first credential certificate requirements described in Subsection (7) and
58 is maintained by the state board in accordance with this section.

59 (e) "Program" means the first credential program described in this section.

60 (f) "Technical college" means the same as that term is defined in Section 53H-1-101.

61 (2) The commissioner of higher education, the state superintendent of public instruction,
62 and the governor's education advisor shall establish the First Credential Oversight
63 Committee comprised of:

64 (a) representatives from industries, including:

- 65 (i) members of professional associations or trade groups; and
- 66 (ii) employers from high-demand sectors as the state board determines in
- 67 collaboration with the Utah Board of Higher Education and the Department of
- 68 Workforce Services;
- 69 (b) representatives from education including:
 - 70 (i) members from the state board;
 - 71 (ii) the director of the Catalyst Center Grant Program described in Section
 - 72 53E-3-507.1;
 - 73 (iii) LEA administrators, such as a superintendent or charter school director;
 - 74 (iv) professionals from institutions of higher education, including technical colleges;
 - 75 (v) career and technical education specialists; and
 - 76 (vi) Talent Ready Utah; and
- 77 (c) workforce development experts, including representatives from the Department of
- 78 Workforce Services.
- 79 (3) The state board shall staff the First Credential Oversight Committee.
- 80 (4) The First Credential Oversight Committee shall develop a first credential master plan,
- 81 which shall include:
 - 82 (a) a framework for developing and maintaining the master credential list;
 - 83 (b) a comprehensive needs assessment framework that evaluates:
 - 84 (i) resources available through institutions of higher education, including:
 - 85 (A) faculty expertise and availability;
 - 86 (B) facilities and equipment;
 - 87 (C) existing certification programs; and
 - 88 (D) potential for program expansion;
 - 89 (ii) industry partnership opportunities, including:
 - 90 (A) geographical proximity to potential partners;
 - 91 (B) willingness of local industries to participate;
 - 92 (C) capacity for work-based learning placements; and
 - 93 (D) alignment between industry needs and educational capabilities; and
 - 94 (iii) general resource availability, including:
 - 95 (A) current funding streams and potential funding sources;
 - 96 (B) existing technology infrastructure;
 - 97 (C) qualified personnel and staffing needs; and
 - 98 (D) professional development requirements;

- (c) credential approval processes;
 - (d) methods for ensuring industry demand alignment;
 - (e) wage considerations for occupations associated with approved credentials;
 - (f) clear definitions of industry-recognized credentials;
 - (g) strategies for promoting stackability and sequencing of credentials;
 - (h) approaches to ensure regional relevance of credentials;
 - (i) mechanisms for collaboration between educational institutions, industry partners, and workforce development agencies;
 - (j) strategies for continuous evaluation and improvement of the program;
 - (k) the creation of a credentials review committee, including membership and duties;
 - (l) in accordance with Subsection (17), an established framework of planning, implementation, and student outcome performance funding for an LEA administering first credential programming;
 - (m) a weighted system for the master credential list that:
 - (i) assigns higher values to credentials based on:
 - (A) alignment with high-demand, high-wage occupations;
 - (B) incorporation of multiple learning pathways, including coursework, apprenticeships, internships, work-based learning, and related service opportunities;
 - (C) industry recognition and portability; and
 - (D) stackability with other credentials or degrees; and
 - (ii) uses the weighted values to:
 - (A) determine incentive funding levels;
 - (B) prioritize program expansion support; and
 - (C) guide student career planning; and
 - (n) guidelines for LEAs to procure industry-recognized certification program licenses, including:
 - (i) verification that certifications appear on the master credential list;
 - (ii) requirement for competency-based assessments in proctored environments;
 - (iii) documentation of local industry endorsement; and
 - (iv) alignment with state and federal computer science initiatives where applicable, including the Computer Science for Utah Grant Program described in Section 53H-13-306.
- (5) In accordance with the Utah First Credential Master Plan, the state board shall:

- 133 (a) ensure that the credentials review committee membership reflects a balance of
134 perspectives and expertise;
- 135 (b) develop an online application and submission system for credentialing organizations
136 and providers to submit programs for inclusion in the master credential list;
- 137 (c) establish and maintain the master credential list based on the recommendations of the
138 credentials review committee;
- 139 (d) develop clear mechanisms for students to understand how earning one credential can
140 lead to higher-level certifications or degrees; and
- 141 (e) foster partnerships between high schools, technical colleges, employers, and
142 apprenticeship programs to ensure students have access to meaningful work-based
143 learning opportunities.
- 144 (6) The state board shall:
- 145 (a) automatically include on the initial master credential list any existing credential that:
146 (i) meets the definition of industry-recognized credential under this section; and
147 (ii) is currently recognized by the state board or Utah Board of Higher Education as
148 of July 1, 2024; and
- 149 (b) review all automatically included credentials within one year to ensure ongoing
150 compliance with program requirements.
- 151 (7) The state board shall award a first credential certificate to an eligible student who
152 completes one of the following:
- 153 (a) concurrent enrollment courses, composed of:
154 (i) between 12 and 18 core general education credits, or as industry standards dictate,
155 with courses from different general education categories; or
156 (ii) a prescribed set of courses as the Utah Board of Higher Education designates;
- 157 (b) an industry-recognized credential included on the master credential list;
- 158 (c) 300 hours of completion through a youth apprenticeship program that:
159 (i) is described in Sections 35A-6-102 and 35A-6-104.5; and
160 (ii) includes courses that fulfill the requirements for an industry-recognized credential
161 included on the master credential list;
- 162 (d) completion of a technical college certificate; or
- 163 (e) completion of a Career and Technical Education Pathway program.
- 164 (8) The Utah Board of Higher Education shall ensure that credits earned for a first
165 credential certificate are:
- 166 (a) accepted and transferable to institutions of higher education, including technical

- 167 colleges;
- 168 (b) applicable towards relevant degree programs; and
- 169 (c) recognized by relevant industries as adequate preparation for employment.
- 170 (9) Subject to legislative appropriations, the Utah Board of Higher Education shall award a
- 171 first credential scholarship to each student who earns a first credential certificate.
- 172 (10) The first credential scholarship may be used at the following institutions:
- 173 (a) an institution of higher education as defined in Section 53H-1-101; or
- 174 (b) a private, nonprofit college or university in the state that is accredited by the
- 175 Northwest Commission on Colleges and Universities.
- 176 (11) The Utah Board of Higher Education shall annually determine the first credential
- 177 scholarship amount based on:
- 178 (a) the number of eligible students; and
- 179 (b) appropriations made by the Legislature.
- 180 (12) A student may use the first credential scholarship for:
- 181 (a) tuition and fees;
- 182 (b) books and supplies; or
- 183 (c) other educational expenses as the Utah Board of Higher Education determines.
- 184 (13) The Utah Board of Higher Education shall ensure the scholarship is valid for use
- 185 within three years from the date the student graduates from high school.
- 186 (14) A student may earn the first credential scholarship in addition to any other
- 187 state-sponsored scholarships for which the student may be eligible.
- 188 (15) The first credential oversight committee shall present the master plan described in
- 189 Subsection (4) to the Education Interim Committee by the November 2025 interim
- 190 committee meeting.
- 191 (16) Every three years, the First Credential Oversight Committee shall:
- 192 (a) review the Utah First Credential Master Plan;
- 193 (b) as needed, create a list of recommendations and update the Utah First Credential
- 194 Master Plan;
- 195 (c) report the list of recommendations and the updated Utah First Credential Master Plan
- 196 to:
- 197 (i) the state board;
- 198 (ii) the Utah Board of Higher Education;
- 199 (iii) the Department of Workforce Services;
- 200 (iv) the Education Interim Committee; and

- 201 (v) the Economic Development and Workforce Services Interim Committee.
- 202 (17)(a) The state board shall administer a first credential grant program for an LEA and
- 203 award a grant in accordance with the following process.
- 204 (b) The First Credential Oversight Committee shall establish:
- 205 (i) a needs assessment tool that evaluates:
- 206 (A) an LEA's current first credential offering;
- 207 (B) an LEA's capacity to develop or expand a first credential pathway;
- 208 (C) resources and support needed for a first credential program, including
- 209 resources available through institutions of higher education, industry
- 210 partnership opportunities, and general resource availability; and
- 211 (D) each potential barrier to implementation; and
- 212 (ii) a continuum of need to place each applying LEA.
- 213 (c) An LEA seeking a first credential grant shall submit to the First Credential Oversight
- 214 Committee:
- 215 (i) a completed needs assessment; and
- 216 (ii) a grant application that contains:
- 217 (A) current first credential data, including current credentials offered;
- 218 (B) preliminary goals for creating or expanding first credential opportunities
- 219 within the LEA; and
- 220 (C) if applicable, plans for procurement of industry certification program licenses,
- 221 including certification details and alignment with master credential list,
- 222 documentation of employer endorsements, assessment and proctoring
- 223 procedures, and integration with existing computer science programs.
- 224 (d) The First Credential Oversight Committee shall:
- 225 (i) review each submitted application and needs assessment;
- 226 (ii) assign the LEA a placement on the continuum of need; and
- 227 (iii) provide to the LEA a specific requirement for an implementation plan based on:
- 228 (A) the LEA's continuum placement;
- 229 (B) each identified area for growth;
- 230 (C) each available resource; and
- 231 (D) each additional factor the First Credential Oversight Committee determines
- 232 relevant.
- 233 (e) An LEA shall submit to the First Credential Oversight Committee an implementation
- 234 plan that includes:

- 235 (i) specific goals for expanding a first credential opportunity;
236 (ii) each implementation step and timeline;
237 (iii) a detailed cost projection; and
238 (iv) each additional element the committee requires based on the needs assessment
239 results.
- 240 (f) The First Credential Oversight Committee shall:
- 241 (i) review the implementation plan;
242 (ii) direct technical assistance to the LEA in accordance with the LEA's
243 implementation plan;
244 (iii) provide feedback to the LEA to improve the implementation plan;
245 (iv) approve each implementation plan that meets the established criteria; and
246 (v) award an implementation grant for each approved plan.
- 247 (g) Subject to legislative appropriations, the state board shall:
- 248 (i) award an incentive grant to an LEA that:
- 249 (A) has implemented an approved plan;
250 (B) increases the number of students who earn a first credential certificate; and
251 (C) achieves each established implementation goal; and
- 252 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
253 and in collaboration with the First Credential Oversight Committee, establish by
254 rule:
- 255 (A) tiers for incentive grant awards;
256 (B) performance metrics for continued funding;
257 (C) reporting requirements for a grant recipient;
258 (D) requirements for reporting certification program outcomes and industry
259 alignment;
260 (E) procedures for coordinating with computer science initiative grants; and
261 (F) guidelines for certification program procurement and implementation.
- 262 (18) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
263 collaboration with the Utah Board of Higher Education and the Department of
264 Workforce Services, the state board shall make rules to implement the provisions of this
265 section.

266 Section 2. Section **53H-11-416** is enacted to read:

267 **53H-11-416 . Workforce Pell Grant program -- State participation authorized.**

268 (1) As used in this section:

- 269 (a) "Eligible workforce program" means an educational program that:
270 (i) an institution of higher education offers; and
271 (ii) the board approves for submission to the United States Secretary of Education for
272 consideration regarding participation in the federal Workforce Pell Grant program.
- 273 (b) "Federal Workforce Pell Grant program" means the program that Section 401 of the
274 Higher Education Act of 1965, 20 U.S.C. Sec. 1070a, as amended, establishes to
275 provide federal Pell Grant assistance to students the federal government determines
276 are eligible and who enroll in eligible workforce programs.
- 277 (c) "Secretary" means the United States Secretary of Education.
- 278 (d) "Title IV programs" means federal student financial aid programs authorized under
279 Title IV of the Higher Education Act of 1965, 20 U.S.C. Sec. 1070 et seq., including
280 the federal Pell Grant program and the federal Workforce Pell Grant program.
- 281 (2) The governor delegates to the board the authority that federal law grants to the governor
282 to approve eligible workforce programs to submit to the secretary for consideration
283 regarding participation in the federal Workforce Pell Grant program.
- 284 (3) The board shall:
- 285 (a) receive applications from institutions of higher education that seek approval of
286 eligible workforce programs;
- 287 (b) determine whether a program meets the requirements that federal law and regulations
288 establish for eligible workforce programs;
- 289 (c) create an approved list of eligible programs to submit to the secretary for
290 consideration regarding participation in the federal Workforce Pell Grant program;
- 291 (d) certify the eligibility of approved programs to the United States Secretary of
292 Education;
- 293 (e) monitor programs that the board approves;
- 294 (f) reapprove programs as federal regulations require; and
- 295 (g) withdraw approval from programs that fail to meet federal or state requirements.
- 296 (4)(a) The board may limit the number of programs the board approves or the number of
297 institutions that may participate during any award year to ensure effective program
298 administration and quality control.
- 299 (b) The commissioner of higher education acts as the board's designee to execute
300 certifications, agreements, and other documents that federal regulations require.
- 301 (c) The board may contract with third-party vendors for data analysis, labor market
302 information, outcome tracking, or technical assistance necessary to perform the

board's duties under this section.

(5)(a)(i) The Department of Workforce Services shall provide to the board, upon the board's request, unemployment insurance wage record data that the board needs to:

(A) calculate completion rates and job placement rates for eligible workforce programs;

(B) certify completion rates and job placement rates to the United States Secretary of Education; and

(C) verify student enrollment, completion, employment, and earnings for purposes of administering Title IV programs.

(ii) The Department of Workforce Services may contract with third-party vendors for data analysis, technical assistance, or services necessary to perform the department's duties under this section.

(b) The board may request and a state agency may provide to the board administrative data, including personally identifiable information, that the board needs to perform the board's duties under this section.

(c) The board shall:

(i) use data the board receives under this Subsection (5) only for purposes this section authorizes;

(ii) maintain the confidentiality and security of personally identifiable information the board receives;

(iii) comply with federal and state privacy laws; and

(iv) enter into data sharing agreements with state agencies that provide data under this Subsection (5).

(d) The board may share data with the United States Secretary of Education, the United States Secretary of Labor, or another state as federal law or an interstate agreement requires, subject to applicable privacy protections.

(e) An individual commits a class B misdemeanor if the individual knowingly or intentionally:

(i) discloses personally identifiable information the individual obtains under this Subsection (5) for a purpose this section does not authorize;

(ii) uses personally identifiable information the individual obtains under this Subsection (5) for a purpose this section does not authorize; or

(iii) accesses personally identifiable information the individual obtains under this Subsection (5) without authorization.

- (6) The board may enter into agreements with another state to allow:
- (a) students who reside in the state to enroll in eligible workforce programs that the other state approves; or
 - (b) students who reside in the other state to enroll in eligible workforce programs that the board approves.
- (7) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- (a) establish procedures for institutions of higher education to apply for approval of eligible workforce programs;
 - (b) establish criteria the board will use to determine whether a program meets federal requirements for eligible workforce programs;
 - (c) establish procedures for the board to consult with the State Workforce Development Board before the board approves a program;
 - (d) establish procedures for the board to calculate and certify completion rates and job placement rates;
 - (e) establish procedures for the board to monitor, reapprove, and withdraw approval of programs;
 - (f) require institutions that offer eligible workforce programs to disclose program information to students; and
 - (g) implement this section and comply with federal requirements.
- (8)(a) The board, the commissioner of higher education, and employees of the board acting within the scope of employment have immunity from suit for a decision the board, the commissioner, or an employee makes or an action the board, the commissioner, or an employee takes regarding:
- (i) approval or denial of an eligible workforce program;
 - (ii) withdrawal of approval of an eligible workforce program;
 - (iii) calculation or certification of completion rates or job placement rates; or
 - (iv) any other discretionary function this section authorizes.
- (b) Subsection (8)(a) does not limit the immunity that Title 63G, Chapter 7, Governmental Immunity Act of Utah, provides.
- Section 3. Section **53H-13-312** is enacted to read:
- 53H-13-312 . Statewide Youth Apprenticeship Governance Council -- Creation -- Membership -- Duties -- Reporting.**
- (1) There is created the Statewide Youth Apprenticeship Governance Council to strengthen

collaboration across agencies, create system alignment, and ensure shared accountability for developing and sustaining youth apprenticeship programs in the state.

(2) The youth apprenticeship council is composed of the following members:

(a) the director of the talent program or the director's designee;

(b) the state superintendent of public instruction or the superintendent's designee;

(c) the commissioner or the commissioner's designee;

(d) the executive director of the Department of Workforce Services or the executive director's designee;

(e) the executive director of the Governor's Office of Economic Opportunity or the executive director's designee;

(f) three representatives from industry who have experience in apprenticeship or work-based learning programs, appointed by the talent board;

(g) one representative from a local education agency, appointed by the State Board of Education;

(h) one representative from an institution of higher education, appointed by the board;
and

(i) any additional individuals the youth apprenticeship council determines necessary to fulfill the council's duties.

(3) The youth apprenticeship council shall select a chair and vice chair from among the members of the youth apprenticeship council.

(4) The youth apprenticeship council shall meet at least quarterly.

(5) Attendance of a majority of the members of the youth apprenticeship council constitutes a quorum for the transaction of official youth apprenticeship council business.

(6) Formal action by the youth apprenticeship council requires the majority vote of a quorum.

(7) A member of the youth apprenticeship council:

(a) may not receive compensation or benefits for the member's service; and

(b) who is not employed by the state may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(8) The youth apprenticeship council shall:

- (a) clarify and define the roles and responsibilities of state agencies involved in youth apprenticeship programs to:
- (i) minimize duplication of efforts; and
 - (ii) ensure aligned action across the talent program, the State Board of Education, the board, and the Department of Workforce Services;
- (b) develop and maintain:
- (i) a statewide operational definition of youth apprenticeship; and
 - (ii) shared program quality standards to ensure local education agencies, institutions of higher education, and participating employers are aligned on a consistent program model;
- (c) coordinate cross-agency implementation structures by:
- (i) establishing regular cross-agency meetings;
 - (ii) creating operational team structures; and
 - (iii) developing decision-making processes to support consistent and coordinated implementation statewide;
- (d) establish communication roles and protocols to:
- (i) define how agencies coordinate communication efforts;
 - (ii) assign messaging responsibilities;
 - (iii) identify appropriate communication channels and processes; and
 - (iv) ensure consistency and avoid conflicting or duplicative outreach to students, families, local education agencies, and employers;
- (e) develop and recommend statewide strategies for:
- (i) student incentives to support participation in youth apprenticeship programs; and
 - (ii) employer incentives to encourage engagement in youth apprenticeship programs;
- (f) implement unified performance monitoring and integrated data systems by:
- (i) developing shared performance measures; and
 - (ii) coordinating a data strategy to track participation, outcomes, and long-term system impact;
- (g) develop coordinated communication and phased statewide implementation plans that:
- (i) establish consistent messaging across agencies;
 - (ii) establish statewide priorities for which industry sectors to prioritize; and
 - (iii) use workforce data and analysis of high-wage, in-demand careers to inform prioritization; and
- (h) perform other duties as directed by the talent board to support the development and

sustainability of youth apprenticeship programs in the state.

(9) The talent program shall provide staff support to the youth apprenticeship council.

(10) The youth apprenticeship council shall report to the talent board:

(a) on the activities and progress of the youth apprenticeship council; and

(b) no less than twice each calendar year.

(11) No later than November 1, 2027, the youth apprenticeship council shall submit a written report to the Education Interim Committee and the Economic Development and Workforce Services Interim Committee that includes:

(a) recommendations on statewide funding needs for youth apprenticeship programs;

(b) recommendations on employer incentive structures; and

(c) a comprehensive statewide action plan for expanding youth apprenticeship opportunities.

Section 4. Section **53H-15-101** is amended to read:

53H-15-101 . General provisions -- Definitions.

As used in this chapter:

(1) "Advisory board" means the Utah Data Research Advisory Board created in Section 53H-15-203.

(2) "Center" means the Utah Data Research Center created in Section 53H-15-202.

(3) "Data" means any information about a person stored in a physical or electronic record.

(4) "Data research program" means the data maintained by the center in accordance with Section 53H-15-302.

(5) "De-identified data" means data about a person that cannot, without additional information, identify the person to another person or machine.

(6) "Director" means the director of the Utah Data Research Center created in Section 53H-15-202.

(7) "Office" means the Office of the Legislative Auditor General created in Section 36-12-15.

(8) "Participating entity" means:

(a) the State Board of Education, which includes the director as defined in Section 53E-10-701;

(b) the board;

(c) the Department of Workforce Services;

(d) the Department of Health and Human Services; and

(e) the Department of Commerce.

(9) "Participating state agency" means a department, division, office, entity, agency, or other unit of state government that provides data to the program described under Section 53H-15-305.

(10) "Personal data" means data as defined in Subsection 63A-19-101(24).

~~[(9)]~~ (11) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.

Section 5. Section **53H-15-305** is repealed and reenacted to read:

53H-15-305 . Participating state agency access.

(1) In addition to performing data research and responding to data research requests under Section 53H-15-303, the center shall maintain a program to support data collection, analysis, exchange, and for operational transactional purposes among participating state agencies to provide access to data to promote the improvement of public health, education, safety, and well-being of the state's citizenry and improvement of the overall efficiency of state agencies.

(2) The director shall provide bi-annual updates to the advisory board about the program in Subsection (1).

(3) The program described in Subsection (1):

(a) may collect, store, and process personal data as allowed under state and federal law;

(b) shall include protections to prevent the unauthorized access, use, or redisclosure of personal data; and

(c) shall be considered a high-risk processing activity under Subsection 63A-19-101(17).

(4) A participating state agency and the center shall include any contribution of personal data to the program described in Subsection (1) in the applicable personal data collection notice required under Section 63A-19-402.

(5) A participating state agency that chooses to contribute personal data to the program described in Subsection (1) shall comply with:

(a) guidelines established by the center; and

(b) applicable state and federal data privacy laws.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the center may create rules to establish:

(a) procedures for submitting personal data under this section;

(b) procedures consistent with applicable federal and state data confidentiality and privacy provisions to prevent the unauthorized access, use, or redisclosure of personal data; and

(c) any additional requirements needed to administer this section.

(7) Prior to contributing personal data to the program described in Subsection (1), a participating state agency and the center shall enter into a written agreement that:

(a) specifies the personal data that the participating state agency will share with the center;

(b) defines the purposes for which the center may use the personal data contributed by the participating state agency; and

(c) establishes timelines for disposing of personal data the participating state agency discloses when:

(i) the personal data is no longer needed for the program described in Subsection (1); or

(ii) required by state or federal law.

(8) The center may create a fee schedule in accordance with Section 63J-1-504 for completing an operational transactional service.

(9) Nothing in this section shall be construed as requiring an entity to provide personal data to the program described in Subsection (1).

(10) The program described in Subsection (1) is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Section 6. Section **53H-15-306** is enacted to read:

53H-15-306 . Reporting.

(1) The center shall report to the Education Interim Committee and Business and Labor Interim Committee:

(a) before July 1 of each year regarding the center's:

(i) research and service priorities for the year;

(ii) completed research from the previous year; and

(iii) activities and accomplishments in the previous year; and

(b) before December 1 of each year, the center's ongoing data research and service priority list described in Subsection 53B-33-302(2).

(2) The Education Interim Committee shall provide the center ongoing input regarding the center's activities and data research priorities.

Section 7. Section **63G-2-305** is amended to read:

63G-2-305 . Protected records.

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has

provided the governmental entity with the information specified in Section 63G-2-309;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:

(i) an invitation for bids;

(ii) a request for proposals;

(iii) a request for quotes;

(iv) a grant; or

(v) other similar document; or

(b) an unsolicited proposal, as defined in Section 63G-6a-712;

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not

575 restrict the right of a person to have access to the information, after:

576 (a) a contract directly relating to the subject of the request for information has been
577 awarded and signed by all parties; or

578 (b)(i) a final determination is made not to enter into a contract that relates to the
579 subject of the request for information; and

580 (ii) at least two years have passed after the day on which the request for information
581 is issued;

582 (8) records that would identify real property or the appraisal or estimated value of real or
583 personal property, including intellectual property, under consideration for public
584 acquisition before any rights to the property are acquired unless:

585 (a) public interest in obtaining access to the information is greater than or equal to the
586 governmental entity's need to acquire the property on the best terms possible;

587 (b) the information has already been disclosed to persons not employed by or under a
588 duty of confidentiality to the entity;

589 (c) in the case of records that would identify property, potential sellers of the described
590 property have already learned of the governmental entity's plans to acquire the
591 property;

592 (d) in the case of records that would identify the appraisal or estimated value of
593 property, the potential sellers have already learned of the governmental entity's
594 estimated value of the property; or

595 (e) the property under consideration for public acquisition is a single family residence
596 and the governmental entity seeking to acquire the property has initiated negotiations
597 to acquire the property as required under Section 78B-6-505;

598 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
599 transaction of real or personal property including intellectual property, which, if
600 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
601 value of the subject property, unless:

602 (a) the public interest in access is greater than or equal to the interests in restricting
603 access, including the governmental entity's interest in maximizing the financial
604 benefit of the transaction; or

605 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
606 the value of the subject property have already been disclosed to persons not
607 employed by or under a duty of confidentiality to the entity;

608 (10) records created or maintained for civil, criminal, or administrative enforcement

purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

- (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
- (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(11) records the disclosure of which would jeopardize the life or safety of an individual;

(12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

(16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(17) records that are subject to the attorney client privilege;

- 643 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
644 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
645 judicial, quasi-judicial, or administrative proceeding;
- 646 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
647 from a member of the Legislature; and
648 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
649 legislative action or policy may not be classified as protected under this section;
650 and
- 651 (b)(i) an internal communication that is part of the deliberative process in connection
652 with the preparation of legislation between:
653 (A) members of a legislative body;
654 (B) a member of a legislative body and a member of the legislative body's staff; or
655 (C) members of a legislative body's staff; and
656 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
657 legislative action or policy may not be classified as protected under this section;
- 658 (20)(a) records in the custody or control of the Office of Legislative Research and
659 General Counsel, that, if disclosed, would reveal a particular legislator's
660 contemplated legislation or contemplated course of action before the legislator has
661 elected to support the legislation or course of action, or made the legislation or course
662 of action public; and
663 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
664 Office of Legislative Research and General Counsel is a public document unless a
665 legislator asks that the records requesting the legislation be maintained as protected
666 records until such time as the legislator elects to make the legislation or course of
667 action public;
- 668 (21) a research request from a legislator to a legislative staff member and research findings
669 prepared in response to the request;
- 670 (22) drafts, unless otherwise classified as public;
- 671 (23) records concerning a governmental entity's strategy about:
672 (a) collective bargaining; or
673 (b) imminent or pending litigation;
- 674 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
675 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
676 Uninsured Employers' Fund, or similar divisions in other governmental entities;

- (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;
- (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;
- (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- (35) records that would reveal negotiations regarding assistance or incentives offered by or

requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

(c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

(38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

(a) unpublished lecture notes;

(b) unpublished notes, data, and information:

(i) relating to research; and

(ii) of:

(A) the institution of higher education defined in Section 53H-1-101; or

(B) a sponsor of sponsored research;

(c) unpublished manuscripts;

(d) creative works in process;

- (e) scholarly correspondence; and
- (f) confidential information contained in research proposals;
- (g) this Subsection (40) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53H-14-202(2)(a) or (b); and
- (h) this Subsection (40) may not be construed to affect the ownership of a record;
- (41)(a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and
- (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;
- (42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
- (a) a production facility; or
- (b) a magazine;
- (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 26B-6-210;
- (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;
- (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;
- (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:
- (a) the safety of the general public; or

(b) the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Emergency

Management information;

(49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

(50) as provided in Section 26B-2-709:

(a) information or records held by the Department of Health and Human Services related to a complaint regarding a provider, program, or facility which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;

(51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

(b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order;

(52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:

(a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;

(b) an affidavit of impecuniosity, described in Section 20A-9-201; or

(c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

(53) the name, home address, work addresses, and telephone numbers of an individual that

is engaged in, or that provides goods or services for, medical or scientific research that is:

(a) conducted within the state system of higher education, as described in Section 53H-1-102; and

(b) conducted using animals;

(54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation to whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);

(55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

(56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

(57) information requested by and provided to the 911 Division under Section 63H-7a-302;

(58) in accordance with Section 73-10-33:

(a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

(b) an outline of an emergency response plan in possession of the state or a county or municipality;

(59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

(a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the

- 847 information was disclosed on the condition that the identity of the person be
848 protected;
- 849 (c) before the time that an investigation or audit is completed and the final investigation
850 or final audit report is released, records or drafts circulated to a person who is not an
851 employee or head of a governmental entity for the person's response or information;
- 852 (d) records that would disclose an outline or part of any investigation, audit survey plan,
853 or audit program; or
- 854 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
855 investigation or audit;
- 856 (60) records that reveal methods used by the Office of Inspector General of Medicaid
857 Services, the fraud unit, or the Department of Health and Human Services, to discover
858 Medicaid fraud, waste, or abuse;
- 859 (61) information provided to the Department of Health and Human Services or the Division
860 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
861 58-68-304(3) and (4);
- 862 (62) a record described in Section 63G-12-210;
- 863 (63) captured plate data that is obtained through an automatic license plate reader system
864 used by a governmental entity as authorized in Section 41-6a-2003;
- 865 (64) an audio or video recording created by a body-worn camera, as that term is defined in
866 Section 77-7a-103, that records sound or images inside a hospital or health care facility
867 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
868 as that term is defined in Section 78B-3-403, or inside a human service program as that
869 term is defined in Section 26B-2-101, except for recordings that:
- 870 (a) depict the commission of an alleged crime;
- 871 (b) record any encounter between a law enforcement officer and a person that results in
872 death or bodily injury, or includes an instance when an officer fires a weapon;
- 873 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
874 law enforcement officer or law enforcement agency;
- 875 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
876 or
- 877 (e) have been requested for reclassification as a public record by a subject or authorized
878 agent of a subject featured in the recording;
- 879 (65) a record pertaining to the search process for a president of an institution of higher
880 education described in Section 53H-3-302;

- 881 (66) an audio recording that is:
- 882 (a) produced by an audio recording device that is used in conjunction with a device or
- 883 piece of equipment designed or intended for resuscitating an individual or for treating
- 884 an individual with a life-threatening condition;
- 885 (b) produced during an emergency event when an individual employed to provide law
- 886 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 887 service:
- 888 (i) is responding to an individual needing resuscitation or with a life-threatening
- 889 condition; and
- 890 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 891 individual or for treating an individual with a life-threatening condition; and
- 892 (c) intended and used for purposes of training emergency responders how to improve
- 893 their response to an emergency situation;
- 894 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
- 895 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
- 896 Legislative Audit Subcommittee, established under Section 36-12-8, for an employment
- 897 position with the Legislature;
- 898 (68) work papers as defined in Section 31A-2-204;
- 899 (69) a record made available to Adult Protective Services or a law enforcement agency
- 900 under Section 61-1-206;
- 901 (70) a record submitted to the Insurance Department in accordance with Section
- 902 31A-37-201;
- 903 (71) a record described in Section 31A-37-503;
- 904 (72) any record created by the Division of Professional Licensing as a result of Subsection
- 905 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 906 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
- 907 involving an amusement ride;
- 908 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
- 909 political petition, or on a request to withdraw a signature from a political petition,
- 910 including a petition or request described in the following titles:
- 911 (a) Title 10, Utah Municipal Code;
- 912 (b) Title 17, Counties;
- 913 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 914 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

- (e) Title 20A, Election Code;
- (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- (78) a record submitted to the Insurance Department under Section 31A-48-103;
- (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- (80) an image taken of an individual during the process of booking the individual into jail, unless:
- (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;
 - (b) a law enforcement agency releases or disseminates the image:
 - (i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or
 - (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding;
 - (c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or
 - (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- (81) a record:
- (a) concerning an interstate claim to the use of waters in the Colorado River system;
 - (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section 63M-14-205; and
 - (c) the disclosure of which would:
 - (i) reveal a legal strategy relating to the state's claim to the use of the water in the

- 949 Colorado River system;
- 950 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
- 951 negotiate the best terms and conditions regarding the use of water in the Colorado
- 952 River system; or
- 953 (iii) give an advantage to another state or to the federal government in negotiations
- 954 regarding the use of water in the Colorado River system;
- 955 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
- 956 of Economic Opportunity determines is nonpublic, confidential information that if
- 957 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
- 958 may not be used to restrict access to a record evidencing a final contract or approval
- 959 decision;
- 960 (83) the following records of a drinking water or wastewater facility:
- 961 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
- 962 and
- 963 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
- 964 drinking water or wastewater facility uses to secure, or prohibit access to, the records
- 965 described in Subsection (83)(a);
- 966 (84) a statement that an employee of a governmental entity provides to the governmental
- 967 entity as part of the governmental entity's personnel or administrative investigation into
- 968 potential misconduct involving the employee if the governmental entity:
- 969 (a) requires the statement under threat of employment disciplinary action, including
- 970 possible termination of employment, for the employee's refusal to provide the
- 971 statement; and
- 972 (b) provides the employee assurance that the statement cannot be used against the
- 973 employee in any criminal proceeding;
- 974 (85) any part of an application for a Utah Fits All Scholarship account described in Section
- 975 53F-6-402 or other information identifying a scholarship student as defined in Section
- 976 53F-6-401;
- 977 (86) a record:
- 978 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 979 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 980 person concerning the claim, including a representative from another state or the
- 981 federal government; and
- 982 (c) the disclosure of which would:

- 983 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
984 Great Salt Lake;
- 985 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
986 and conditions regarding the use of water in the Great Salt Lake; or
- 987 (iii) give an advantage to another person including another state or to the federal
988 government in negotiations regarding the use of water in the Great Salt Lake;
- 989 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
990 reclassified as public as described in Subsection 13-2-11(4);
- 991 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 992 (a) concerning a claim to the use of waters;
- 993 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
994 representative from another state, a tribe, the federal government, or other
995 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
996 and
- 997 (c) the disclosure of which would:
- 998 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 999 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
1000 regarding the use of water; or
- 1001 (iii) give an advantage to another state, a tribe, the federal government, or other
1002 government entity in negotiations regarding the use of water; [and]
- 1003 (89) a record created or maintained for an investigation of the Prosecutor Conduct
1004 Commission, created in Section 63M-7-1102, that contains any personal identifying
1005 information of a prosecuting attorney, including:
- 1006 (a) a complaint, or a document that is submitted or created for a complaint, received by
1007 the Prosecutor Conduct Commission; or
- 1008 (b) a finding by the Prosecutor Conduct Commission[-] ; and
- 1009 (90) personally identifiable information, including individual student enrollment,
1010 completion, employment, and earnings data, that the Utah Board of Higher Education
1011 obtains under Section 53B-11-416, except that the Utah Board of Higher Education may
1012 disclose the information:
- 1013 (a) in aggregate form that does not identify individual students;
- 1014 (b) as federal law or regulations require;
- 1015 (c) to other state agencies under data sharing agreements that Section 53B-11-416
1016 authorizes; or

1017 (d) to the United States Secretary of Education or the United States Secretary of Labor
1018 as federal regulations require.
1019 Section 8. **Effective Date.**
1020 This bill takes effect on May 6, 2026.