

Effective 5/1/2024

13-2-11 Publication of consumer complaints.

(1) As used in this section:

- (a) "Consumer complaint" means a complaint that:
 - (i) is provided to the division;
 - (ii) alleges facts relating to conduct that the division regulates under Section 13-2-1; and
 - (iii) may contain:
 - (A) information that identifies a respondent; and
 - (B) a narrative description of and information relevant to the conduct described in Subsection (1)(a)(ii).
- (b) "Consumer narrative" means the narrative description contained in a consumer complaint as described in Subsection (1)(a)(iii)(B).
- (c) "Filer" means a person who files a consumer complaint.
- (d) "Respondent" means a person against whom a filer files a consumer complaint.

(2)

- (a) A consumer complaint is a protected record as provided in Subsection 63G-2-305(87).
- (b) In carrying out the division's duties, the division may not publicly disclose the identity of a person the division investigates unless:
 - (i) the person's identity becomes a matter of public record in an enforcement proceeding; or
 - (ii) the person consents to public disclosure.

(3) Notwithstanding Subsection (2):

- (a) the division may reclassify a consumer complaint as public if:
 - (i)
 - (A) the consumer complaint is one of at least 10 consumer complaints filed with the division against the same person, alleging the same or similar conduct, and during the 12-month period immediately preceding the day on which the filer files the consumer complaint;
 - (B) the consumer complaint does not contain information that an agreement with another state or federal agency or a condition of participation in an investigation or litigation requires the division keep confidential;
 - (C) the consumer complaint is not classified as controlled, private, or protected as described in Sections 63G-2-302 through 63G-2-305, for a reason other than that identified by Subsection 63G-2-305(87); and
 - (D) access to the record is not restricted as described by Subsection 63G-2-201(3)(b); or
 - (ii) the division takes public enforcement action against a respondent as a result of the consumer complaint; and
- (b) the division may disclose a consumer complaint to the respondent.

(4) In determining the number of complaints against the same person in accordance with Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed against multiple entities under common ownership as consumer complaints against the same person.

(5) A respondent's initial, written response to a consumer complaint that is public under Subsection (3) is a public record.

(6) Before making a consumer complaint that is reclassified as public under Subsection (3), or a response described in Subsection (5), available to the public, the division:

- (a) shall redact from the consumer complaint or the response any information that would disclose:
 - (i) the filer's:
 - (A) address;
 - (B) social security number;

- (C) bank account information;
 - (D) email address; or
 - (E) telephone number; or
 - (ii) information similar in nature to the information described in Subsection (6)(a)(i); and
 - (b) may redact the filer's name and any other information that could, in the division's judgment, disclose the filer's identity.
- (7) If the division discloses the consumer complaint to the respondent as described in Subsection (3)(b), the division may redact the filer's:
- (a) bank account information;
 - (b) social security number;
 - (c) name and any other information that could, in the division's judgment, disclose the filer's identity, if the filer requests anonymity; and
 - (d) other information the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
- (8) Nothing in this section precludes the division from disclosing a consumer complaint in accordance with Section 63G-2-201.

Enacted by Chapter 101, 2024 General Session