

19-7-106 In camera review -- Burden of proof.

- (1) The person seeking disclosure of an environmental audit report shall request an in camera review of the audit report by a court of record.
- (2)
 - (a) If a court of record determines through in camera review that all or part of an environmental audit report is not privileged, the court shall order the disclosure of the nonprivileged portions of the environmental audit report.
 - (b) The privileged portions of the environmental audit report may not be disclosed.
- (3) The person asserting the environmental self-evaluation privilege has the burden of establishing a prima facie case of privilege.
- (4) The person seeking disclosure of an environmental audit report has the burden of proving that the environmental audit report is not privileged or excepted pursuant to the Utah Rules of Evidence, Rule 508.

Enacted by Chapter 304, 1995 General Session