

Part 5 Electronic Records in Government Agencies

46-4-501 Creation and retention of electronic records and conversion of written records by governmental agencies.

- (1) A state governmental agency may, by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:
 - (a) identify specific transactions that the agency is willing to conduct by electronic means;
 - (b) identify specific transactions that the agency will never conduct by electronic means;
 - (c) specify the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes;
 - (d) if law or rule requires that the electronic records must be signed by electronic means, specify the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process;
 - (e) specify control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and
 - (f) identify any other required attributes for electronic records that are specified for corresponding nonelectronic records or that are reasonably necessary under the circumstances.
- (2) A state governmental agency that makes rules under this section shall submit copies of those rules, and any amendments to those rules, to the chief information officer established by Section 63F-1-201.
- (3)
 - (a) The chief information officer may prepare model rules and standards relating to electronic transactions that encourage and promote consistency and interoperability with similar requirements adopted by other Utah government agencies, other states, the federal government, and nongovernmental persons interacting with Utah governmental agencies.
 - (b) In preparing those model rules and standards, the chief information officer may specify different levels of standards from which governmental agencies may choose in order to implement the most appropriate standard for a particular application.
 - (c) Nothing in this Subsection (3) requires a state agency to use the model rules and standards prepared by the chief information officer when making rules under this section.
- (4) Except as provided in Subsection 46-4-301(6), nothing in this chapter requires any state governmental agency to:
 - (a) conduct transactions by electronic means; or
 - (b) use or permit the use of electronic records or electronic signatures.
- (5) Each state governmental agency shall:
 - (a) establish record retention schedules for any electronic records created or received in an electronic transaction according to the standards developed by the Division of Archives under Subsection 63A-12-101(2)(e); and
 - (b) obtain approval of those schedules from the State Records Committee as required by Subsection 63G-2-502(1)(b).

Amended by Chapter 270, 2011 General Session

46-4-502 Providing services or information electronically -- Interpretation of terms in Utah Code.

- (1) To provide services or information electronically, a state governmental entity may implement the terms listed in Subsection (2) in accordance with this section:
 - (a) when the term is used in the Utah Code; and
 - (b) if the implementation is not:
 - (i) inconsistent with the manifest intent of the Legislature; or
 - (ii) repugnant to the context of the statute.
- (2) Subsection (1) applies to the terms listed in this Subsection (2).
 - (a) "Copy" may include an electronic version of a document.
 - (b) "Mail" may include sending a document electronically if the recipient can accept and process the electronic writing.
 - (c) "Mailing address" may include an electronic mailing address capable of receiving and processing an electronic writing.
 - (d) "Sign" or "signature" may include any form of electronic signature authorized by the governmental agency.
 - (e) "Written" or "writing" may include information that is:
 - (i) inscribed on a tangible medium; or
 - (ii)
 - (A) stored in an electronic or other medium; and
 - (B) is retrievable in a perceivable form.

Amended by Chapter 20, 2003 General Session

46-4-503 Government products and services provided electronically.

- (1) Notwithstanding Section 46-4-501, a state governmental agency that administers one or more of the following transactions shall allow those transactions to be conducted electronically:
 - (a) an application for or renewal of a professional or occupational license issued under Title 58, Occupations and Professions;
 - (b) the renewal of a drivers license;
 - (c) an application for a hunting or fishing license;
 - (d) the filing of:
 - (i) a return under Title 59, Chapter 10, Individual Income Tax Act, or Title 59, Chapter 12, Sales and Use Tax Act;
 - (ii) a court document, as defined by the Judicial Council; or
 - (iii) a document under Title 70A, Uniform Commercial Code;
 - (e) a registration for:
 - (i) a product; or
 - (ii) a brand;
 - (f) a renewal of a registration of a motor vehicle;
 - (g) a registration under:
 - (i) Title 16, Corporations;
 - (ii) Title 42, Names; or
 - (iii) Title 48, Partnership - Unincorporated Business Entities; or
 - (h) submission of an application for benefits:
 - (i) under Title 35A, Chapter 3, Employment Support Act;
 - (ii) under Title 35A, Chapter 4, Employment Security Act; or
 - (iii) related to accident and health insurance.

- (2) The state system of public education, in coordination with the Utah Education and Telehealth Network, shall make reasonable progress toward making the following services available electronically:
 - (a) secure access by parents and students to student grades and progress reports;
 - (b) email communications with:
 - (i) teachers;
 - (ii) parent-teacher associations; and
 - (iii) school administrators;
 - (c) access to school calendars and schedules; and
 - (d) teaching resources that may include:
 - (i) teaching plans;
 - (ii) curriculum guides; and
 - (iii) media resources.
- (3) A state governmental agency shall:
 - (a) in carrying out the requirements of this section, take reasonable steps to ensure the security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2, Government Records Access and Management Act;
 - (b) in addition to those transactions listed in Subsections (1) and (2), determine any additional services that may be made available to the public through electronic means; and
 - (c) as part of the agency's information technology plan required by Section 63F-1-204, report on the progress of compliance with Subsections (1) through (3).
- (4) Notwithstanding the other provisions of this part, a state governmental agency is not required by this part to conduct a transaction electronically if:
 - (a) conducting the transaction electronically is not required by federal law; and
 - (b) conducting the transaction electronically is:
 - (i) impractical;
 - (ii) unreasonable; or
 - (iii) not permitted by laws pertaining to privacy or security.
- (5)
 - (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of access to diverse services and agencies at one location including virtual colocation.
 - (b) State agencies that provide services or offer direct assistance to the business community shall participate in the establishment, maintenance, and enhancement of an integrated Utah business web portal known as Business.utah.gov. The purpose of the business web portal is to provide "one-stop shop" assistance to businesses.
 - (c) State agencies shall partner with other governmental and nonprofit agencies whose primary mission is to provide services or offer direct assistance to the business community in Utah in fulfilling the requirements of this section.
 - (d) The following state entities shall comply with the provisions of this Subsection (5):
 - (i) Governor's Office of Economic Development, which shall serve as the managing partner for the website;
 - (ii) Department of Workforce Services;
 - (iii) Department of Commerce;
 - (iv) Tax Commission;
 - (v) Department of Administrative Services - Division of Purchasing and General Services, including other state agencies operating under a grant of authority from the division to procure goods and services in excess of \$5,000;
 - (vi) Department of Agriculture;

- (vii) Department of Natural Resources; and
 - (viii) other state agencies that provide services or offer direct assistance to the business sector.
- (e) The business services available on the business web portal may include:
- (i) business life cycle information;
 - (ii) business searches;
 - (iii) employment needs and opportunities;
 - (iv) motor vehicle registration;
 - (v) permit applications and renewal;
 - (vi) tax information;
 - (vii) government procurement bid notifications;
 - (viii) general business information;
 - (ix) business directories; and
 - (x) business news.

Amended by Chapter 348, 2016 General Session