

## Part 2 Access to Records

### **63G-2-201 Provisions relating to records -- Public records -- Private, controlled, protected, and other restricted records -- Disclosure and nondisclosure of records -- Certified copy of record -- Limits on obligation to respond to record request.**

- (1)
  - (a) Except as provided in Subsection (1)(b), a person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to Sections 63G-2-203 and 63G-2-204.
  - (b) A right under Subsection (1)(a) does not apply with respect to a record:
    - (i) a copy of which the governmental entity has already provided to the person;
    - (ii) that is the subject of a records request that the governmental entity is not required to fill under Subsection (7)(a)(v); or
    - (iii)
      - (A) that is accessible only by a computer or other electronic device owned or controlled by the governmental entity;
      - (B) that is part of an electronic file that also contains a record that is private, controlled, or protected; and
      - (C) that the governmental entity cannot readily segregate from the part of the electronic file that contains a private, controlled, or protected record.
- (2) A record is public unless otherwise expressly provided by statute.
- (3) The following records are not public:
  - (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303, 63G-2-304, and 63G-2-305; and
  - (b) a record to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.
- (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305 may be classified private, controlled, or protected.
- (5)
  - (a) A governmental entity may not disclose a record that is private, controlled, or protected to any person except as provided in Subsection (5)(b), Subsection (5)(c), Section 63G-2-202, 63G-2-206, or 63G-2-303.
  - (b) A governmental entity may disclose a record that is private under Subsection 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or a designee, determines that:
    - (i) there is no interest in restricting access to the record; or
    - (ii) the interests favoring access are greater than or equal to the interest favoring restriction of access.
  - (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may disclose a record that is protected under Subsection 63G-2-305(51) if:
    - (i) the head of the governmental entity, or a designee, determines that the disclosure:
      - (A) is mutually beneficial to:
        - (I) the subject of the record;
        - (II) the governmental entity; and
        - (III) the public; and

- (B) serves a public purpose related to:
    - (I) public safety; or
    - (II) consumer protection; and
  - (ii) the person who receives the record from the governmental entity agrees not to use or allow the use of the record for advertising or solicitation purposes.
- (6) A governmental entity shall provide a person with a certified copy of a record if:
- (a) the person requesting the record has a right to inspect it;
  - (b) the person identifies the record with reasonable specificity; and
  - (c) the person pays the lawful fees.
- (7)
- (a) In response to a request, a governmental entity is not required to:
    - (i) create a record;
    - (ii) compile, format, manipulate, package, summarize, or tailor information;
    - (iii) provide a record in a particular format, medium, or program not currently maintained by the governmental entity;
    - (iv) fulfill a person's records request if the request unreasonably duplicates prior records requests from that person;
    - (v) fill a person's records request if:
      - (A) the record requested is:
        - (I) publicly accessible online; or
        - (II) included in a public publication or product produced by the governmental entity receiving the request; and
      - (B) the governmental entity:
        - (I) specifies to the person requesting the record where the record is accessible online; or
        - (II) provides the person requesting the record with the public publication or product and specifies where the record can be found in the public publication or product; or
    - (vi) fulfill a person's records request if:
      - (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;
      - (B) the order of the director of the Government Records Office determining the person to be a vexatious requester provides that the governmental entity is not required to fulfill a request from the person for a period of time; and
      - (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
  - (b) A governmental entity shall conduct a reasonable search for a requested record.
- (8)
- (a) Although not required to do so, a governmental entity may, upon request from the person who submitted the records request, compile, format, manipulate, package, summarize, or tailor information or provide a record in a format, medium, or program not currently maintained by the governmental entity.
  - (b) In determining whether to fulfill a request described in Subsection (8)(a), a governmental entity may consider whether the governmental entity is able to fulfill the request without unreasonably interfering with the governmental entity's duties and responsibilities.
  - (c) A governmental entity may require a person who makes a request under Subsection (8)
    - (a) to pay the governmental entity, in accordance with Section 63G-2-203, for providing the information or record as requested.
- (9)
- (a) Notwithstanding any other provision of this chapter, and subject to Subsection (9)(b), a governmental entity is not required to respond to, or provide a record in response to, a record

request if the request is submitted by or in behalf of an individual who is on parole or confined in a jail or other correctional facility following the individual's conviction.

(b) Subsection (9)(a) does not apply to:

- (i) the first five record requests submitted to the governmental entity by or in behalf of an individual described in Subsection (9)(a) during any calendar year requesting only a record that contains a specific reference to the individual; or
- (ii) a record request that is submitted by an attorney of an individual described in Subsection (9)(a).

(10)

(a) A governmental entity may allow a person requesting more than 50 pages of records to copy the records if:

- (i) the records are contained in files that do not contain records that are exempt from disclosure, or the records may be segregated to remove private, protected, or controlled information from disclosure; and
- (ii) the governmental entity provides reasonable safeguards to protect the public from the potential for loss of a public record.

(b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

- (i) provide the requester with the facilities for copying the requested records and require that the requester make the copies; or
- (ii) allow the requester to provide the requester's own copying facilities and personnel to make the copies at the governmental entity's offices and waive the fees for copying the records.

(11)

(a) A governmental entity that owns an intellectual property right and that offers the intellectual property right for sale or license may control by ordinance or policy the duplication and distribution of the material based on terms the governmental entity considers to be in the public interest.

(b) Nothing in this chapter shall be construed to limit or impair the rights or protections granted to the governmental entity under federal copyright or patent law as a result of its ownership of the intellectual property right.

(12) A governmental entity may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and receive a copy of a record under this chapter.

(13) Subject to the requirements of Subsection (7), a governmental entity shall provide access to an electronic copy of a record in lieu of providing access to its paper equivalent if:

- (a) the person making the request requests or states a preference for an electronic copy;
- (b) the governmental entity currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and
- (c) the electronic copy of the record:
  - (i) does not disclose other records that are exempt from disclosure; or
  - (ii) may be segregated to protect private, protected, or controlled information from disclosure without the undue expenditure of public resources or funds.

(14) In determining whether a record is properly classified as private under Subsection 63G-2-302(2)(d), the governmental entity, the director of the Government Records Office, local appeals board, or court shall consider and weigh:

- (a) any personal privacy interests, including those in images, that would be affected by disclosure of the records in question; and
- (b) any public interests served by disclosure.

Amended by Chapter 299, 2025 General Session

Amended by Chapter 476, 2025 General Session

**63G-2-202 Access to private, controlled, and protected documents.**

- (1) Except as provided in Subsection (11)(a), a governmental entity:
- (a) shall, upon request, disclose a private record to:
    - (i) the subject of the record;
    - (ii) the parent or legal guardian of an unemancipated minor who is the subject of the record;
    - (iii) the legal guardian of a legally incapacitated individual who is the subject of the record;
    - (iv) any other individual who:
      - (A) has a power of attorney from the subject of the record;
      - (B) submits a notarized release from the subject of the record or the individual's legal representative dated no more than 90 days before the date the request is made; or
      - (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a health care provider, as defined in Section 26B-8-501, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or
    - (v) any person to whom the record must be provided pursuant to:
      - (A) court order as provided in Subsection (7); or
      - (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; and
  - (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through (n), without complying with Section 63G-2-206, to another governmental entity for a purpose related to:
    - (i) voter registration; or
    - (ii) the administration of an election.
- (2)
- (a) Upon request, a governmental entity shall disclose a controlled record to:
    - (i) a physician, physician assistant, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:
      - (A) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and
      - (B) a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and
    - (ii) any person to whom the record must be disclosed pursuant to:
      - (A) a court order as provided in Subsection (7); or
      - (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.
  - (b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of the record.
- (3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.
- (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall disclose a protected record to:
- (a) the person that submitted the record;
  - (b) any other individual who:
    - (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or

- (ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;
- (c) any person to whom the record must be provided pursuant to:
  - (i) a court order as provided in Subsection (7); or
  - (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; or
- (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).
- (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a private, controlled, or protected record to another governmental entity, political subdivision, state, the United States, or a foreign government only as provided by Section 63G-2-206.
- (6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain evidence of the requester's identity.
- (7) A governmental entity shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction, provided that:
  - (a) the record deals with a matter in controversy over which the court has jurisdiction;
  - (b) the court has considered the merits of the request for access to the record;
  - (c) the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect:
    - (i) privacy interests in the case of private or controlled records;
    - (ii) business confidentiality interests in the case of records protected under Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
    - (iii) privacy interests or the public interest in the case of other protected records;
  - (d) to the extent the record is properly classified private, controlled, or protected, the interests favoring access, considering limitations thereon, are greater than or equal to the interests favoring restriction of access; and
  - (e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.
- (8)
  - (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or authorize disclosure of private or controlled records for research purposes if the governmental entity:
    - (i) determines that the research purpose cannot reasonably be accomplished without use or disclosure of the information to the researcher in individually identifiable form;
    - (ii) determines that:
      - (A) the proposed research is bona fide; and
      - (B) the value of the research is greater than or equal to the infringement upon personal privacy;
    - (iii)
      - (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and
      - (B) requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;
    - (iv) prohibits the researcher from:
      - (A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or
      - (B) using the record for purposes other than the research approved by the governmental entity; and
    - (v) secures from the researcher a written statement of the researcher's understanding of and agreement to the conditions of this Subsection (8) and the researcher's understanding

that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63G-2-801.

- (b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.
  - (c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).
  - (d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1)(x).
- (9)
- (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:
    - (i) private under Section 63G-2-302; or
    - (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.
  - (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the disclosure to persons other than those specified in this section of records that are:
    - (i) private under Section 63G-2-302;
    - (ii) controlled under Section 63G-2-304; or
    - (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for business confidentiality has been made under Section 63G-2-309.
  - (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected under Section 63G-2-305 to persons other than those specified in this section.
- (10)
- (a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed as provided in Subsection (1)(a)(v).
  - (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as provided in Subsection (4)(c) or Section 26B-6-212.
- (11)
- (a) A private, protected, or controlled record described in Section 26B-1-506 shall be disclosed as required under:
    - (i) Subsections 26B-1-506(1)(b) and (2); and
    - (ii) Subsections 26B-1-507(1) and (6).
  - (b) A record disclosed under Subsection (11)(a) shall retain its character as private, protected, or controlled.

Amended by Chapter 188, 2025 General Session

**63G-2-203 Fees.**

- (1)
  - (a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.
  - (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.
- (2)

- (a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:
    - (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
    - (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
    - (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).
  - (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
- (3)
- (a) Fees shall be established as provided in this Subsection (3).
  - (b) A governmental entity with fees established by the Legislature:
    - (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and
    - (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.
  - (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.
  - (d) The judiciary shall establish fees by rules of the judicial council.
- (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that:
- (a) releasing the record primarily benefits the public rather than a person;
  - (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or
  - (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
- (5)
- (a) As used in this Subsection (5), "media representative":
    - (i) means a person who requests a record to obtain information for a story or report for publication or broadcast to the general public; and
    - (ii) does not include a person who requests a record to obtain information for a blog, podcast, social media account, or other means of mass communication generally available to a member of the public.
  - (b) A governmental entity may not charge a fee for:
    - (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection (2)(a)(ii);
    - (ii) inspecting a record; or
    - (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.
  - (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from charging a fee for the first quarter hour of staff time spent in responding to a request under Section 63G-2-204 if the person who submits the request:
    - (i) is not a Utah media representative; and

- (ii) previously submitted a separate request within the 10-day period immediately before the date of the request to which the governmental entity is responding.
- (6)
- (a) A person who believes that there has been an unreasonable denial of a fee waiver under Subsection (4) may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 63G-2-205.
  - (b) The adjudicative body hearing the appeal:
    - (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of the fee waiver and any determination under Subsection (4); and
    - (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a public record is denied.
- (7)
- (a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.
  - (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record or record series.
- (8)
- (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:
    - (i) fees are expected to exceed \$50; or
    - (ii) after the government entity has sent an invoice, the requester has not paid fees from a previous request.
  - (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.
- (10)
- (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set as provided in this Subsection (10).
  - (b) The lieutenant governor shall:
    - (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and
    - (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.

Amended by Chapter 33, 2025 General Session

**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) After receiving a request for a record, a governmental entity shall:
- (a) 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) 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) approve the request and provide a copy of the record;
    - (ii) deny the request in accordance with the procedures and requirements of Section 63G-2-205;
    - (iii) 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) 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).
- (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):
- (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 filed within five working days of each other;
  - (d) the governmental entity is currently processing a large number of records requests;
  - (e) the request requires the governmental entity to review a large number of records to locate the records requested;
  - (f) the decision to release a record involves legal issues that require the governmental entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
  - (g) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
  - (h) segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
- (7) If one of the extraordinary circumstances listed in Subsection (6) precludes approval or denial within the time specified in Subsection (4), the following time limits apply to the extraordinary circumstances:
- (a) for claims under Subsection (6)(a), the governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work;
  - (b) for claims under Subsection (6)(b), the originating governmental entity shall notify the requester when the record is available for inspection and copying;
  - (c) for claims under Subsections (6)(c), (d), and (e), the governmental entity shall:
    - (i) disclose the records that it has located which the requester is entitled to inspect;
    - (ii) provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request;
    - (iii) complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible; and
    - (iv) for any person that does not establish a right to an expedited response as authorized by Subsection (4), a governmental entity may choose to:
      - (A) require the person to provide for copying of the records as provided in Subsection 63G-2-201(10); or
      - (B) treat a request for multiple records as separate record requests, and respond sequentially to each request;
  - (d) for claims under Subsection (6)(f), the governmental entity shall either approve or deny the request within five business days after the response time specified for the 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.

Amended by Chapter 173, 2023 General Session

**63G-2-205 Denials.**

- (1) If the governmental entity denies the request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.
- (2) The notice of denial shall contain the following information:
- (a) a description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
  - (b) citations to the provisions of this chapter, court rule or order, another state statute, federal statute, or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
  - (c) a statement that the requester has the right to appeal the denial to the chief administrative officer of the governmental entity; and
  - (d) the time limits for filing an appeal, and the name and business address of the chief administrative officer of the governmental entity.
- (3) Unless otherwise required by a court or agency of competent jurisdiction, a governmental entity may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

Renumbered and Amended by Chapter 382, 2008 General Session

**63G-2-206 Sharing records.**

- (1) A governmental entity may provide a record that is private, controlled, or protected to another governmental entity, a government-managed corporation, a political subdivision, the federal government, or another state if the requesting entity:
- (a) serves as a repository or archives for purposes of historical preservation, administrative maintenance, or destruction;
  - (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary to a proceeding or investigation;
  - (c) is authorized by state statute to conduct an audit and the record is needed for that purpose;
  - (d) is one that collects information for presentence, probationary, or parole purposes; or
  - (e)
    - (i) is:
      - (A) the Legislature;
      - (B) a legislative committee;
      - (C) a member of the Legislature; or
      - (D) a legislative staff member acting at the request of the Legislature, a legislative committee, or a member of the Legislature; and
    - (ii) requests the record in relation to the Legislature's duties including:
      - (A) the preparation or review of a legislative proposal or legislation;
      - (B) appropriations; or
      - (C) an investigation or review conducted by the Legislature or a legislative committee.

- (2)
  - (a) A governmental entity may provide a private, controlled, or protected record or record series to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance:
    - (i) that the record or record series is necessary to the performance of the governmental entity's duties and functions;
    - (ii) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and
    - (iii) that the use of the record or record series produces a public benefit that is greater than or equal to the individual privacy right that protects the record or record series.
  - (b) A governmental entity may provide a private, controlled, or protected record or record series to a contractor or a private provider according to the requirements of Subsection (6)(b).
- (3)
  - (a) A governmental entity shall provide a private, controlled, or protected record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:
    - (i) is entitled by law to inspect the record;
    - (ii) is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds; or
    - (iii) is an entity described in Subsection (1)(a), (b), (c), (d), or (e).
  - (b) Subsection (3)(a)(iii) applies only if the record is a record described in Subsection 63G-2-305(4).
- (4) Before disclosing a record or record series under this section to another governmental entity, another state, the United States, a foreign government, or to a contractor or private provider, the originating governmental entity shall:
  - (a) inform the recipient of the record's classification and the accompanying restrictions on access; and
  - (b) if the recipient is not a governmental entity to which this chapter applies, obtain the recipient's written agreement which may be by mechanical or electronic transmission that it will abide by those restrictions on access unless a statute, federal regulation, or interstate agreement otherwise governs the sharing of the record or record series.
- (5) A governmental entity may disclose a record to another state, the United States, or a foreign government for the reasons listed in Subsections (1) and (2) without complying with the procedures of Subsection (2) or (4) if disclosure is authorized by executive agreement, treaty, federal statute, compact, federal regulation, or state statute.
- (6)
  - (a) Subject to Subsections (6)(b) and (c), an entity receiving a record under this section is subject to the same restrictions on disclosure of the record as the originating entity.
  - (b) A contractor or a private provider may receive information under this section only if:
    - (i) the contractor or private provider's use of the record or record series produces a public benefit that is greater than or equal to the individual privacy right that protects the record or record series;
    - (ii) the record or record series it requests:
      - (A) is necessary for the performance of a contract with a governmental entity;
      - (B) will only be used for the performance of the contract with the governmental entity;
      - (C) will not be disclosed to any other person; and
      - (D) will not be used for advertising or solicitation purposes; and

- (iii) the contractor or private provider gives written assurance to the governmental entity that is providing the record or record series that it will adhere to the restrictions of this Subsection (6)(b).
- (c) The classification of a record already held by a governmental entity and the applicable restrictions on disclosure of that record are not affected by the governmental entity's receipt under this section of a record with a different classification that contains information that is also included in the previously held record.
- (7) Notwithstanding any other provision of this section, if a more specific court rule or order, state statute, federal statute, or federal regulation prohibits or requires sharing information, that rule, order, statute, or federal regulation controls.
- (8)
  - (a) The following records may not be shared under this section:
    - (i) records held by the Division of Oil, Gas, and Mining that pertain to any person and that are gathered under authority of Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining;
    - (ii) except as provided in Subsection (8)(b), records of publicly funded libraries as described in Subsection 63G-2-302(1)(c); and
    - (iii) a record described in Section 63G-12-210.
  - (b) A publicly funded library may share a record that is a private record under Subsection 63G-2-302(1)(c) with a law enforcement agency, as defined in Section 53-1-102, if:
    - (i) the record is a video surveillance recording of the library premises; and
    - (ii) the law enforcement agency certifies in writing that:
      - (A) the law enforcement agency believes that the record will provide important information for a pending investigation into criminal or potentially criminal behavior; and
      - (B) the law enforcement agency's receipt of the record will assist the agency to prevent imminent harm to an individual or imminent and substantial damage to property.
- (9) Records that may evidence or relate to a violation of law may be disclosed to a government prosecutor, peace officer, or auditor.

Amended by Chapter 334, 2019 General Session

**63G-2-207 Subpoenas -- Court ordered disclosure for discovery.**

- (1) Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure are not written requests under Section 63G-2-204.
- (2)
  - (a)
    - (i) Except as otherwise provided in Subsection (2)(c), in judicial or administrative proceedings in which an individual is requesting discovery of records classified private, controlled, or protected under this chapter, or otherwise restricted from access by other statutes, the court, or an administrative law judge shall follow the procedure in Subsection 63G-2-202(7) before ordering disclosure.
    - (ii) Until the court or an administrative law judge orders disclosure, these records are privileged from discovery.
  - (b) If, the court or administrative order requires disclosure, the terms of the order may limit the requester's further use and disclosure of the record in accordance with Subsection 63G-2-202(7), in order to protect the privacy interests recognized in this chapter.
  - (c) Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain:

- (i) records through the procedures set forth in this chapter; or
- (ii) medical records discoverable under state or federal court rules as authorized by Subsection 63G-2-302(3).

Renumbered and Amended by Chapter 382, 2008 General Session

**63G-2-208 Public repository of legislative email.**

- (1) As used in this section, "repository" means the repository of email described in Subsection (2).
- (2)
  - (a) On or before January 1, 2014, the Legislature shall post on its website a publicly accessible repository containing email that legislators transfer to it as provided in this section.
  - (b) The repository shall be searchable by sender, receiver, and subject.
- (3) A legislator may transfer to the repository an email that the legislator sent or received.
- (4) An email in the repository may be removed from the repository if:
  - (a) the email was accidentally transferred to the repository;
  - (b) it is determined that the email is not a record or that the email is a private, protected, or controlled record;
  - (c) the email is deleted pursuant to the Legislature's record retention policy; or
  - (d) for an email that is not removed from the repository earlier under Subsection (4)(a), (b), or (c), at least two years have passed after the day the legislator first sent or received the email.
- (5) A legislator's failure to transfer an email to the repository does not alone mean that the email is a private, protected, or controlled record.

Enacted by Chapter 231, 2013 General Session

**63G-2-209 Vexatious requester.**

- (1) As used in this section:
  - (a) "Director" means the director of the Government Records Office, created in Section 63A-12-202.
  - (b) "Respondent" means a person that a governmental entity claims is a vexatious requester under this section.
- (2)
  - (a) A governmental entity may file a petition with the director to request relief from a person that the governmental entity claims is a vexatious requester.
  - (b) A petition under Subsection (2)(a) shall contain:
    - (i) the name, phone number, mailing address, and email address that the respondent submitted to the governmental entity;
    - (ii) a description of the conduct that the governmental entity claims demonstrates that the respondent is a vexatious requester;
    - (iii) a statement of the relief the governmental entity seeks; and
    - (iv) a sworn declaration or an unsworn declaration, as those terms are defined in Section 78B-18a-102.
  - (c) On the day the governmental entity files a petition under Subsection (2)(a), the governmental entity shall send a copy of the petition to the respondent.
- (3)
  - (a) Except as provided in Subsection (3)(c), no later than seven business days after receiving the petition, the director shall schedule a hearing to consider the petition, to be held:
    - (i)

- (A) at the next regularly-scheduled hearing date that is at least 16 calendar days after the day on which the petition is filed but no later than 64 calendar days after the day on which the petition is filed; or
- (B) at a regularly-scheduled hearing date that is later than the period described in Subsection (3)(a)(i)(A) if the later hearing date is the first regularly-scheduled hearing date at which there are fewer than 10 appeals scheduled to be heard; or
- (ii) to the extent practicable, at a date sooner than a period described in Subsection (3)(a)(i) if the governmental entity:
  - (A) requests an expedited hearing; and
  - (B) shows good cause for the expedited hearing.
- (b) If the director schedules a hearing under Subsection (3)(a), the director shall:
  - (i) send a copy of the notice of hearing to the governmental entity and the respondent; and
  - (ii) if applicable, send a copy of the respondent's statement under Subsection (3)(c)(ii)(B) to the governmental entity.
- (c) The director may decline to schedule a hearing if:
  - (i) the director makes an initial determination that the petition should be denied without a hearing; and
  - (ii) before the director makes a final ruling to deny the petition, the director:
    - (A) provides the parties with notice of the initial determination described in Subsection (3)(c)(i), including the reasons for the initial determination;
    - (B) provides the parties with a reasonable opportunity to respond to the initial determination described in Subsection (3)(c)(i); and
    - (C) provides the respondent with a reasonable opportunity to submit a written response to the petition.
- (d) If, after complying with Subsection (3)(c), the director makes a final ruling denying the petition without a hearing, the director shall:
  - (i) issue an order denying the petition; and
  - (ii) include in the order the reasons for denying the petition and the reasons for making the ruling without a hearing.
- (e) If, after complying with Subsection (3)(c), the director determines that a hearing should be held, the director shall schedule a hearing in accordance with Subsection (3)(a).
- (4)
  - (a) No later than five business days before the day of the hearing, the respondent may submit to the director and the governmental entity a written statement in response to the governmental entity's petition.
  - (b) The written statement described in Subsection (4)(a) may be the same document as the respondent's written response described in Subsection (3)(c)(ii)(C).
- (5) No later than 10 business days before the day of a hearing under this section, a person whose legal interests may be substantially affected by the proceeding may file a request for intervention with the director as provided in Subsection 63G-2-403(6).
- (6) If a respondent fails to submit a written statement under Subsection (4) or fails to appear at the hearing, the director shall:
  - (a) cancel the hearing; or
  - (b) hold the hearing in accordance with Subsection (7).
- (7)
  - (a) If the director holds a hearing scheduled under Subsection (3), the director shall:
    - (i) allow the governmental entity to testify, present evidence, and comment on the issues; and

- (ii) allow the respondent to testify, present evidence, and comment on the issues if the respondent appears at the hearing.
- (b) At the hearing, the director may allow another interested person to comment on the issues.
- (c)
  - (i) Discovery is prohibited, but the director may issue subpoenas or other orders to compel production of necessary testimony or evidence.
  - (ii) If the subject of a director's subpoena disobeys or fails to comply with the subpoena, the director may file a motion with the district court for an order to compel obedience to the subpoena.
- (8)
  - (a) No later than seven business days after the day on which a hearing is held as scheduled under Subsection (3) or the date on which a hearing cancelled under Subsection (6) was scheduled to be held, the director shall:
    - (i) determine, in accordance with Subsection (9), whether the governmental entity has demonstrated that the respondent is a vexatious requester; and
    - (ii) issue a signed order that grants or denies the petition in whole or in part.
  - (b) Upon granting the petition in whole or in part, the director may order that the governmental entity is not required to fulfill requests from the respondent or a person that submits a request on the respondent's behalf for a period of time that may not exceed one year.
  - (c) The director's order shall contain:
    - (i) a statement of the reasons for the director's decision;
    - (ii) if the petition is granted in whole or in part, a specific description of the conduct the director determines demonstrates that the respondent is a vexatious requester, including any conduct the director finds to constitute an abuse of the right of access to information under this chapter or a substantial interference with the operations of the governmental entity;
    - (iii) a statement that the respondent or governmental entity may seek judicial review of the director's decision in district court as provided in Section 63G-2-404; and
    - (iv) a brief summary of the judicial review process, the time limits for seeking judicial review, and a notice that, in order to protect applicable rights in connection with the judicial review, the person seeking judicial review of the director's decision may wish to seek advice from an attorney.
- (9) In determining whether a governmental entity has demonstrated that the respondent is a vexatious requester, the director shall consider:
  - (a) as applicable:
    - (i) the number of requests the respondent has submitted to the governmental entity, including the number of pending record requests;
    - (ii) the scope, nature, content, language, and subject matter of record requests the respondent has submitted to the governmental entity;
    - (iii) the nature, content, language, and subject matter of any communications to the governmental entity related to a record request of the respondent; and
    - (iv) any pattern of conduct that the director determines to constitute:
      - (A) an abuse of the right of access to information under this chapter; or
      - (B) substantial interference with the operations of the governmental entity; and
  - (b) any other factor the director considers relevant.
- (10)
  - (a) A governmental entity or respondent aggrieved by the director's decision under this section may seek judicial review of the decision as provided in Section 63G-2-404.

- (b) In a judicial review under Subsection (10)(a), the court may award reasonable attorney fees to a respondent if:
  - (i) the respondent substantially prevails; and
  - (ii) the court determines that:
    - (A) the petition filed by the governmental entity under Subsection (2) is without merit;
    - (B) the governmental entity's actions in filing the petition lack a reasonable basis in fact or law; and
    - (C) the governmental entity filed the petition in bad faith.
- (c) Except for the waiver of immunity in Subsection 63G-7-301(2)(e), a claim for attorney fees under this Subsection (10) is not subject to Chapter 7, Governmental Immunity Act of Utah.
- (11) Notwithstanding any other provision of this chapter, a records request that a governmental entity is not required to fulfill in accordance with an order issued under this section may not be the subject of an appeal under Part 4, Appeals.
- (12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director shall make rules to implement the procedures and requirements described in this section.

Amended by Chapter 188, 2025 General Session  
Amended by Chapter 476, 2025 General Session

**63G-2-210 Access to and use of voter or election information by a government officer.**

- (1) As used in this section, "government officer" means:
  - (a) an elected official; or
  - (b) an officer, employee, volunteer, or agent of a governmental entity.
- (2) A government officer may not:
  - (a) disclose, or attempt to discover, any information from a ballot cast by an identifiable voter;
  - (b) except as provided in Subsection (3), disclose in relation to an identifiable voter:
    - (i) the method by which the voter voted or returned a ballot;
    - (ii) when or where the voter voted;
    - (iii) how or when the voter's ballot was received;
    - (iv) whether a ballot was mailed to the voter;
    - (v) whether the voter placed postage on a return envelope; or
    - (vi) any information from the return envelope of a voter.
- (3) Subsection (2) does not prohibit the disclosure, in mass, of the information included in a voting history record, in accordance with Section 20A-5-410.
- (4) Except as provided in Subsection (5), a government officer who, due to the government officer's position as a government officer, has access to election records, may not access, use, copy, or release the information except to the extent that the access, use, copying, or release:
  - (a) is reasonably related to a duty of the government officer;
  - (b) is in accordance with the requirements of law; and
  - (c) is not done for a primarily personal purpose, including:
    - (i) a political purpose;
    - (ii) furthering the government officer's personal agenda; or
    - (iii) a purpose relating to the government officer's private business, hobbies, or personal interests.
- (5) Subsection (4) does not prevent a government officer from accessing, using, copying, or releasing government information in the same manner available to a member of the general public, including by filing a record request under Section 63G-2-204.

Enacted by Chapter 188, 2025 General Session