

**Part 6**  
**Collection of Information and Accuracy of Records**

**63G-2-601 Rights of individuals on whom data is maintained -- Classification statement -- Notice to provider of information.**

- (1)
  - (a) Each governmental entity shall file with the state archivist a statement explaining the purposes for which a record series that is designated as private or controlled is collected and used by that governmental entity.
  - (b) The statement filed under Subsection (1)(a) is a public record.
- (2)
  - (a) A governmental entity shall provide notice of the following to a person that is asked to furnish information that could be classified as a private or controlled record:
    - (i) the reasons the person is asked to furnish the information;
    - (ii) the intended uses of the information;
    - (iii) the consequences for refusing to provide the information; and
    - (iv) the classes of persons and the governmental entities that currently:
      - (A) share the information with the governmental entity; or
      - (B) receive the information from the governmental entity on a regular or contractual basis.
  - (b) The notice shall be:
    - (i) posted in a prominent place at all locations where the governmental entity collects the information; or
    - (ii) included as part of the documents or forms that are used by the governmental entity to collect the information.
- (3) Upon request, each governmental entity shall explain to a person:
  - (a) the reasons the person is asked to furnish information that could be classified as a private or controlled record;
  - (b) the intended uses of the information referred to in Subsection (3)(a);
  - (c) the consequences for refusing to provide the information referred to in Subsection (3)(a); and
  - (d) the reasons and circumstances under which the information referred to in Subsection (3)(a) may be shared with or provided to other persons or governmental entities.
- (4) A governmental entity may use private or controlled records only for those purposes:
  - (a) given in the statement filed with the state archivist under Subsection (1); or
  - (b) for which another governmental entity may use the record under Section 63G-2-206.

Renumbered and Amended by Chapter 382, 2008 General Session

**63G-2-602 Disclosure to subject of records -- Context of use.**

When providing records under Subsection 63G-2-202(1) or when providing public records about an individual to the persons specified in Subsection 63G-2-202(1), a governmental entity shall, upon request, disclose the context in which the record is used.

Renumbered and Amended by Chapter 382, 2008 General Session

**63G-2-603 Requests to amend a record -- Appeals.**

- (1) Proceedings of state agencies under this section shall be governed by Title 63G, Chapter 4, Administrative Procedures Act.

- (2)
  - (a) Subject to Subsection (8), an individual may contest the accuracy or completeness of any public, or private, or protected record concerning him by requesting the governmental entity to amend the record. However, this section does not affect the right of access to private or protected records.
  - (b) The request shall contain the following information:
    - (i) the requester's name, mailing address, and daytime telephone number; and
    - (ii) a brief statement explaining why the governmental entity should amend the record.
- (3) The governmental entity shall issue an order either approving or denying the request to amend as provided in Title 63G, Chapter 4, Administrative Procedures Act, or, if the act does not apply, no later than 30 days after receipt of the request.
- (4) If the governmental entity approves the request, it shall correct all of its records that contain the same incorrect information as soon as practical. A governmental entity may not disclose the record until it has amended it.
- (5) If the governmental entity denies the request, it shall:
  - (a) inform the requester in writing; and
  - (b) provide a brief statement giving its reasons for denying the request.
- (6)
  - (a) If a governmental entity denies a request to amend a record, the requester may submit a written statement contesting the information in the record.
  - (b) The governmental entity shall:
    - (i) file the requester's statement with the disputed record if the record is in a form such that the statement can accompany the record or make the statement accessible if the record is not in a form such that the statement can accompany the record; and
    - (ii) disclose the requester's statement along with the information in the record whenever the governmental entity discloses the disputed information.
- (7) The requester may appeal the denial of the request to amend a record pursuant to the Administrative Procedures Act or, if that act does not apply, to district court.
- (8) This section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the governmental entity determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

Renumbered and Amended by Chapter 382, 2008 General Session

**63G-2-604 Retention and disposition of records.**

- (1)
  - (a) Except for a governmental entity that is permitted to maintain its own retention schedules under Part 7, Applicability to Political Subdivisions, the Judiciary, and the Legislature, each governmental entity shall file with the State Records Committee a proposed schedule for the retention and disposition of each type of material that is defined as a record under this chapter.
  - (b) After a retention schedule is reviewed and approved by the State Records Committee under Subsection 63G-2-502(1)(b), the governmental entity shall maintain and destroy records in accordance with the retention schedule.
  - (c) If a governmental entity subject to the provisions of this section has not received an approved retention schedule for a specific type of material that is classified as a record under this

chapter, the model retention schedule maintained by the state archivist shall govern the retention and destruction of that type of material.

- (2) A retention schedule that is filed with or approved by the State Records Committee under the requirements of this section is a public record.

Renumbered and Amended by Chapter 382, 2008 General Session