

**Effective 5/1/2024**

**Superseded 5/7/2025**

**63G-2-404 Judicial review.**

- (1)
  - (a) A petition for judicial review of an order or decision, as allowed under this part, in Section 63G-2-209, or in Subsection 63G-2-701(6)(a)(ii), shall be filed no later than 30 days after the date of the order or decision, subject to Subsection (1)(b).
  - (b) The time for a requester to file a petition for judicial review under Subsection (1)(a) is suspended for the period of time that:
    - (i) begins the date the requester submits a request under Section 63A-12-111 for the government records ombudsman to mediate the dispute between the requester and the governmental entity; and
    - (ii) ends the earlier of the following dates:
      - (A) the date that the government records ombudsman certifies in writing that the mediation is concluded; or
      - (B) the date that the government records ombudsman certifies in writing that the mediation did not occur or was not concluded because of a lack of the required consent.
- (2)
  - (a) A petition for judicial review is a complaint governed by the Utah Rules of Civil Procedure and shall contain:
    - (i) the petitioner's name and mailing address;
    - (ii) a copy of the State Records Committee order from which the appeal is taken, if the petitioner is seeking judicial review of an order of the State Records Committee;
    - (iii) the name and mailing address of the governmental entity that issued the initial determination with a copy of that determination;
    - (iv) a request for relief specifying the type and extent of relief requested; and
    - (v) a statement of the reasons why the petitioner is entitled to relief.
  - (b) Except in exceptional circumstances, a petition for judicial review may not raise an issue that was not raised in the underlying appeal and order.
- (3) If the appeal is based on the denial of access to a protected record based on a claim of business confidentiality, the court shall allow the claimant of business confidentiality to provide to the court the reasons for the claim of business confidentiality.
- (4) All additional pleadings and proceedings in the district court are governed by the Utah Rules of Civil Procedure.
- (5) The district court may review the disputed records. The review shall be in camera.
- (6)
  - (a) The court shall:
    - (i) make the court's decision de novo, but, for a petition seeking judicial review of a State Records Committee order, allow introduction of evidence presented to the State Records Committee;
    - (ii) determine all questions of fact and law without a jury; and
    - (iii) decide the issue at the earliest practical opportunity.
  - (b) A court may remand a petition for judicial review to the State Records Committee if:
    - (i) the remand is to allow the State Records Committee to decide an issue that:
      - (A) involves access to a record; and
      - (B) the State Records Committee has not previously addressed in the proceeding that led to the petition for judicial review; and

(ii) the court determines that remanding to the State Records Committee is in the best interests of justice.

(7)

- (a) Except as provided in Section 63G-2-406, the court may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private, controlled, or protected if the interest favoring access is greater than or equal to the interest favoring restriction of access.
- (b) The court shall consider and, where appropriate, limit the requester's use and further disclosure of the record in order to protect privacy interests in the case of private or controlled records, business confidentiality interests in the case of records protected under Subsections 63G-2-305(1) and (2), and privacy interests or the public interest in the case of other protected records.