

1 **UTAH STATE 911 COMMITTEE AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: Jon J. Greiner

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the duties and powers of the Utah 911 Committee.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the duties and powers of the Utah 911 Committee; and
- 13 ▶ makes technical corrections.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 **AMENDS:**

20 **53-10-602**, as last amended by Laws of Utah 2008, Chapter 382

21 **59-1-403**, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384

22 **63G-2-305**, as last amended by Laws of Utah 2008, Chapters 3, 87, 95, 101, 111, 161,
23 196, 248, 352 and renumbered and amended by Laws of Utah 2008, Chapter 382

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **53-10-602** is amended to read:

27 **53-10-602. Committee's duties and powers.**

28 (1) The committee shall:

29 (a) review and make recommendations to the division, the Bureau of

30 Communications, public safety answering points, and the Legislature on:

31 (i) ~~technical, administrative, fiscal,~~ and operational issues for the implementation of a
32 unified statewide wireless and land-based E-911 emergency system;

33 (ii) specific technology and standards for the implementation of a unified statewide
34 wireless and land-based E-911 emergency system;

35 (iii) emerging technological upgrades;

36 [~~(iii)~~] (iv) expenditures by local public service answering points to assure
37 implementation of a unified statewide wireless and land-based E-911 emergency system and
38 standards of operation; and

39 [~~(iv)~~] (v) mapping systems and technology necessary to implement the unified
40 statewide wireless and land-based E-911 emergency system;

41 (b) administer the fund as provided in this part;

42 (c) assist as many local entities as possible, at their request, to implement the
43 recommendations of the committee; and

44 (d) fulfill all other duties imposed on the committee by the Legislature by this part.

45 (2) The committee may sell, lease, or otherwise dispose of equipment or personal
46 property belonging to the committee, the proceeds from which shall return to the fund.

47 (3) (a) The committee shall review information regarding:

48 (i) in aggregate, the number of telecommunication service subscribers by
49 telecommunication service type in a political subdivision;

50 (ii) 911 call delivery network costs;

51 (iii) public safety answering point costs; and

52 (iv) system engineering information.

53 (b) In accordance with Subsection (3)(a) the committee may request:

54 (i) information as described in Subsection (3)(a)(i) from the Utah State Tax

55 Commission; and

56 (ii) information from public safety answering points connected to the 911 call delivery
57 system.

58 (c) The information requested by and provided to the committee under Subsection (3)
59 is a protected record in accordance with Section 63G-2-305.

60 ~~[(3)]~~ (4) The committee shall issue the reimbursement allowed under Subsection
61 53-10-605(1)(b) provided that:

62 (a) the reimbursement is based on aggregated cost studies submitted to the committee
63 by the wireless carriers seeking reimbursement; and

64 (b) the reimbursement to any one carrier does not exceed 125% of the wireless
65 carrier's contribution to the fund.

66 ~~[(4)]~~ (5) The committee shall adopt rules in accordance with Title 63G, Chapter 3,
67 Utah Administrative Rulemaking Act, to administer the fund created in Section 53-10-603
68 including rules that establish the criteria, standards, technology, and equipment that a local
69 entity or state agency must adopt in order to qualify for grants from the fund.

70 (6) This section does not expand the authority of the Utah State Tax Commission to
71 request additional information from a telecommunication service provider.

72 Section 2. Section **59-1-403** is amended to read:

73 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

74 (1) (a) Any of the following may not divulge or make known in any manner any
75 information gained by that person from any return filed with the commission:

- 76 (i) a tax commissioner;
- 77 (ii) an agent, clerk, or other officer or employee of the commission; or
- 78 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
79 town.

80 (b) An official charged with the custody of a return filed with the commission is not
81 required to produce the return or evidence of anything contained in the return in any action or
82 proceeding in any court, except:

- 83 (i) in accordance with judicial order;
- 84 (ii) on behalf of the commission in any action or proceeding under:
85 (A) this title; or

86 (B) other law under which persons are required to file returns with the commission;
87 (iii) on behalf of the commission in any action or proceeding to which the commission
88 is a party; or

89 (iv) on behalf of any party to any action or proceeding under this title if the report or
90 facts shown by the return are directly involved in the action or proceeding.

91 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
92 admit in evidence, any portion of a return or of the facts shown by the return, as are
93 specifically pertinent to the action or proceeding.

94 (2) This section does not prohibit:

95 (a) a person or that person's duly authorized representative from receiving a copy of
96 any return or report filed in connection with that person's own tax;

97 (b) the publication of statistics as long as the statistics are classified to prevent the
98 identification of particular reports or returns; and

99 (c) the inspection by the attorney general or other legal representative of the state of
100 the report or return of any taxpayer:

101 (i) who brings action to set aside or review a tax based on the report or return;

102 (ii) against whom an action or proceeding is contemplated or has been instituted under
103 this title; or

104 (iii) against whom the state has an unsatisfied money judgment.

105 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
106 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
107 Rulemaking Act, provide for a reciprocal exchange of information with:

108 (i) the United States Internal Revenue Service; or

109 (ii) the revenue service of any other state.

110 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
111 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
112 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
113 other written statements with the federal government, any other state, any of the political

114 subdivisions of another state, or any political subdivision of this state, except as limited by
115 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
116 government grant substantially similar privileges to this state.

117 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
118 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
119 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
120 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
121 due.

122 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and
123 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as
124 requested by the executive secretary, any records, returns, or other information filed with the
125 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5
126 regarding the environmental assurance program participation fee.

127 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
128 provide that person sales and purchase volume data reported to the commission on a report,
129 return, or other information filed with the commission under:

- 130 (i) Chapter 13, Part 2, Motor Fuel; or
- 131 (ii) Chapter 13, Part 4, Aviation Fuel.

132 (f) Notwithstanding Subsection (1), upon request from a tobacco product
133 manufacturer, as defined in Section 59-22-202, the commission shall report to the
134 manufacturer:

135 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
136 manufacturer and reported to the commission for the previous calendar year under Section
137 59-14-407; and

138 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
139 manufacturer for which a tax refund was granted during the previous calendar year under
140 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

141 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,

142 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
143 prohibited from selling cigarettes to consumers within the state under Subsection
144 59-14-210(2).

145 (h) Notwithstanding Subsection (1), the commission may:

146 (i) provide to the Division of Consumer Protection within the Department of
147 Commerce and the attorney general data:

148 (A) reported to the commission under Section 59-14-212; or

149 (B) related to a violation under Section 59-14-211; and

150 (ii) upon request provide to any person data reported to the commission under
151 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

152 (i) Notwithstanding Subsection (1), the commission shall, at the request of a
153 committee of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of
154 Planning and Budget, provide to the committee or office the total amount of revenues
155 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
156 time period specified by the committee or office.

157 (j) Notwithstanding Subsection (1), the commission shall at the request of the
158 Legislature provide to the Legislature the total amount of sales or uses exempt under
159 Subsection 59-12-104(46) reported to the commission in accordance with Section 59-12-105.

160 (k) Notwithstanding Subsection (1), the commission shall make the directory required
161 by Section 59-14-603 available for public inspection.

162 (l) Notwithstanding Subsection (1), the commission may share information with
163 federal, state, or local agencies as provided in Subsection 59-14-606(3).

164 (m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
165 Recovery Services within the Department of Human Services any relevant information
166 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a
167 taxpayer who has become obligated to the Office of Recovery Services.

168 (ii) The information described in Subsection (3)(m)(i) may be provided by the Office
169 of Recovery Services to any other state's child support collection agency involved in enforcing

170 that support obligation.

171 (n) (i) Notwithstanding Subsection (1), upon request from the state court
172 administrator, the commission shall provide to the state court administrator, the name,
173 address, telephone number, county of residence, and Social Security number on resident
174 returns filed under Chapter 10, Individual Income Tax Act.

175 (ii) The state court administrator may use the information described in Subsection
176 (3)(n)(i) only as a source list for the master jury list described in Section 78B-1-106.

177 (o) Notwithstanding Subsection (1), the commission shall at the request of a
178 committee, commission, or task force of the Legislature provide to the committee,
179 commission, or task force of the Legislature any information relating to a tax imposed under
180 Chapter 9, Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

181 (p) (i) As used in this Subsection (3)(p), "office" means the:

182 (A) Office of the Legislative Fiscal Analyst; or

183 (B) Office of Legislative Research and General Counsel.

184 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii),
185 the commission shall at the request of an office provide to the office all information:

186 (A) gained by the commission; and

187 (B) required to be attached to or included in returns filed with the commission.

188 (iii) (A) An office may not request and the commission may not provide to an office a
189 person's:

190 (I) address;

191 (II) name;

192 (III) Social Security number; or

193 (IV) taxpayer identification number.

194 (B) The commission shall in all instances protect the privacy of a person as required
195 by Subsection (3)(p)(iii)(A).

196 (iv) An office may provide information received from the commission in accordance
197 with this Subsection (3)(p) only:

198 (A) as:
199 (I) a fiscal estimate;
200 (II) fiscal note information; or
201 (III) statistical information; and
202 (B) if the information is classified to prevent the identification of a particular return.
203 (v) (A) A person may not request information from an office under Title 63G, Chapter
204 2, Government Records Access and Management Act, or this section, if that office received
205 the information from the commission in accordance with this Subsection (3)(p).
206 (B) An office may not provide to a person that requests information in accordance
207 with Subsection (3)(p)(v)(A) any information other than the information the office provides in
208 accordance with Subsection (3)(p)(iv).
209 (q) Notwithstanding Subsection (1), the commission may provide to the governing
210 board of the agreement or a taxing official of another state, the District of Columbia, the
211 United States, or a territory of the United States:
212 (i) the following relating to an agreement sales and use tax:
213 (A) information contained in a return filed with the commission;
214 (B) information contained in a report filed with the commission;
215 (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or
216 (D) a document filed with the commission; or
217 (ii) a report of an audit or investigation made with respect to an agreement sales and
218 use tax.
219 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah State
220 911 Committee the information requested by the Utah State 911 Committee under Subsection
221 53-10-602(3).
222 (4) (a) Reports and returns shall be preserved for at least three years.
223 (b) After the three-year period provided in Subsection (4)(a) the commission may
224 destroy a report or return.
225 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

226 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
227 the person shall be dismissed from office and be disqualified from holding public office in this
228 state for a period of five years thereafter.

229 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
230 accordance with Subsection (3)(p)(iii) or a person that requests information in accordance
231 with Subsection (3)(p)(v):

232 (i) is not guilty of a class A misdemeanor; and

233 (ii) is not subject to:

234 (A) dismissal from office in accordance with Subsection (5)(b); or

235 (B) disqualification from holding public office in accordance with Subsection (5)(b).

236 (6) Except as provided in Section 59-1-404, this part does not apply to the property
237 tax.

238 Section 3. Section **63G-2-305** is amended to read:

239 **63G-2-305. Protected records.**

240 The following records are protected if properly classified by a governmental entity:

241 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
242 has provided the governmental entity with the information specified in Section 63G-2-309;

243 (2) commercial information or nonindividual financial information obtained from a
244 person if:

245 (a) disclosure of the information could reasonably be expected to result in unfair
246 competitive injury to the person submitting the information or would impair the ability of the
247 governmental entity to obtain necessary information in the future;

248 (b) the person submitting the information has a greater interest in prohibiting access
249 than the public in obtaining access; and

250 (c) the person submitting the information has provided the governmental entity with
251 the information specified in Section 63G-2-309;

252 (3) commercial or financial information acquired or prepared by a governmental entity
253 to the extent that disclosure would lead to financial speculations in currencies, securities, or

254 commodities that will interfere with a planned transaction by the governmental entity or cause
255 substantial financial injury to the governmental entity or state economy;

256 (4) records the disclosure of which could cause commercial injury to, or confer a
257 competitive advantage upon a potential or actual competitor of, a commercial project entity as
258 defined in Subsection 11-13-103(4);

259 (5) test questions and answers to be used in future license, certification, registration,
260 employment, or academic examinations;

261 (6) records the disclosure of which would impair governmental procurement
262 proceedings or give an unfair advantage to any person proposing to enter into a contract or
263 agreement with a governmental entity, except, subject to Subsection (1) and (2), that this
264 Subsection (6) does not restrict the right of a person to have access to, once the contract or
265 grant has been awarded, a bid, proposal, or application submitted to or by a governmental
266 entity in response to:

267 (a) a request for bids;

268 (b) a request for proposals;

269 (c) a grant; or

270 (d) other similar document;

271 (7) records that would identify real property or the appraisal or estimated value of real
272 or personal property, including intellectual property, under consideration for public acquisition
273 before any rights to the property are acquired unless:

274 (a) public interest in obtaining access to the information outweighs the governmental
275 entity's need to acquire the property on the best terms possible;

276 (b) the information has already been disclosed to persons not employed by or under a
277 duty of confidentiality to the entity;

278 (c) in the case of records that would identify property, potential sellers of the described
279 property have already learned of the governmental entity's plans to acquire the property;

280 (d) in the case of records that would identify the appraisal or estimated value of
281 property, the potential sellers have already learned of the governmental entity's estimated value

282 of the property; or

283 (e) the property under consideration for public acquisition is a single family residence
284 and the governmental entity seeking to acquire the property has initiated negotiations to
285 acquire the property as required under Section 78B-6-505;

286 (8) records prepared in contemplation of sale, exchange, lease, rental, or other
287 compensated transaction of real or personal property including intellectual property, which, if
288 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
289 of the subject property, unless:

290 (a) the public interest in access outweighs the interests in restricting access, including
291 the governmental entity's interest in maximizing the financial benefit of the transaction; or

292 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
293 the value of the subject property have already been disclosed to persons not employed by or
294 under a duty of confidentiality to the entity;

295 (9) records created or maintained for civil, criminal, or administrative enforcement
296 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes,
297 if release of the records:

298 (a) reasonably could be expected to interfere with investigations undertaken for
299 enforcement, discipline, licensing, certification, or registration purposes;

300 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
301 proceedings;

302 (c) would create a danger of depriving a person of a right to a fair trial or impartial
303 hearing;

304 (d) reasonably could be expected to disclose the identity of a source who is not
305 generally known outside of government and, in the case of a record compiled in the course of
306 an investigation, disclose information furnished by a source not generally known outside of
307 government if disclosure would compromise the source; or

308 (e) reasonably could be expected to disclose investigative or audit techniques,
309 procedures, policies, or orders not generally known outside of government if disclosure would

310 interfere with enforcement or audit efforts;

311 (10) records the disclosure of which would jeopardize the life or safety of an
312 individual;

313 (11) records the disclosure of which would jeopardize the security of governmental
314 property, governmental programs, or governmental recordkeeping systems from damage, theft,
315 or other appropriation or use contrary to law or public policy;

316 (12) records that, if disclosed, would jeopardize the security or safety of a correctional
317 facility, or records relating to incarceration, treatment, probation, or parole, that would
318 interfere with the control and supervision of an offender's incarceration, treatment, probation,
319 or parole;

320 (13) records that, if disclosed, would reveal recommendations made to the Board of
321 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
322 Board of Pardons and Parole, or the Department of Human Services that are based on the
323 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
324 jurisdiction;

325 (14) records and audit workpapers that identify audit, collection, and operational
326 procedures and methods used by the State Tax Commission, if disclosure would interfere with
327 audits or collections;

328 (15) records of a governmental audit agency relating to an ongoing or planned audit
329 until the final audit is released;

330 (16) records prepared by or on behalf of a governmental entity solely in anticipation of
331 litigation that are not available under the rules of discovery;

332 (17) records disclosing an attorney's work product, including the mental impressions
333 or legal theories of an attorney or other representative of a governmental entity concerning
334 litigation;

335 (18) records of communications between a governmental entity and an attorney
336 representing, retained, or employed by the governmental entity if the communications would
337 be privileged as provided in Section 78B-1-137;

338 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
339 from a member of the Legislature; and

340 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
341 legislative action or policy may not be classified as protected under this section; and

342 (b) (i) an internal communication that is part of the deliberative process in connection
343 with the preparation of legislation between:

344 (A) members of a legislative body;

345 (B) a member of a legislative body and a member of the legislative body's staff; or

346 (C) members of a legislative body's staff; and

347 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
348 legislative action or policy may not be classified as protected under this section;

349 (20) (a) records in the custody or control of the Office of Legislative Research and
350 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
351 legislation or contemplated course of action before the legislator has elected to support the
352 legislation or course of action, or made the legislation or course of action public; and

353 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
354 Office of Legislative Research and General Counsel is a public document unless a legislator
355 asks that the records requesting the legislation be maintained as protected records until such
356 time as the legislator elects to make the legislation or course of action public;

357 (21) research requests from legislators to the Office of Legislative Research and
358 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
359 in response to these requests;

360 (22) drafts, unless otherwise classified as public;

361 (23) records concerning a governmental entity's strategy about collective bargaining or
362 pending litigation;

363 (24) records of investigations of loss occurrences and analyses of loss occurrences that
364 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
365 Uninsured Employers' Fund, or similar divisions in other governmental entities;

366 (25) records, other than personnel evaluations, that contain a personal
367 recommendation concerning an individual if disclosure would constitute a clearly unwarranted
368 invasion of personal privacy, or disclosure is not in the public interest;

369 (26) records that reveal the location of historic, prehistoric, paleontological, or
370 biological resources that if known would jeopardize the security of those resources or of
371 valuable historic, scientific, educational, or cultural information;

372 (27) records of independent state agencies if the disclosure of the records would
373 conflict with the fiduciary obligations of the agency;

374 (28) records of an institution within the state system of higher education defined in
375 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
376 retention decisions, and promotions, which could be properly discussed in a meeting closed in
377 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
378 the final decisions about tenure, appointments, retention, promotions, or those students
379 admitted, may not be classified as protected under this section;

380 (29) records of the governor's office, including budget recommendations, legislative
381 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
382 policies or contemplated courses of action before the governor has implemented or rejected
383 those policies or courses of action or made them public;

384 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
385 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
386 recommendations in these areas;

387 (31) records provided by the United States or by a government entity outside the state
388 that are given to the governmental entity with a requirement that they be managed as protected
389 records if the providing entity certifies that the record would not be subject to public
390 disclosure if retained by it;

391 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
392 except as provided in Section 52-4-206;

393 (33) records that would reveal the contents of settlement negotiations but not

394 including final settlements or empirical data to the extent that they are not otherwise exempt
395 from disclosure;

396 (34) memoranda prepared by staff and used in the decision-making process by an
397 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
398 other body charged by law with performing a quasi-judicial function;

399 (35) records that would reveal negotiations regarding assistance or incentives offered
400 by or requested from a governmental entity for the purpose of encouraging a person to expand
401 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
402 person or place the governmental entity at a competitive disadvantage, but this section may
403 not be used to restrict access to a record evidencing a final contract;

404 (36) materials to which access must be limited for purposes of securing or maintaining
405 the governmental entity's proprietary protection of intellectual property rights including
406 patents, copyrights, and trade secrets;

407 (37) the name of a donor or a prospective donor to a governmental entity, including an
408 institution within the state system of higher education defined in Section 53B-1-102, and other
409 information concerning the donation that could reasonably be expected to reveal the identity of
410 the donor, provided that:

411 (a) the donor requests anonymity in writing;

412 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
413 classified protected by the governmental entity under this Subsection (37); and

414 (c) except for an institution within the state system of higher education defined in
415 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
416 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
417 over the donor, a member of the donor's immediate family, or any entity owned or controlled
418 by the donor or the donor's immediate family;

419 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
420 73-18-13;

421 (39) a notification of workers' compensation insurance coverage described in Section

422 34A-2-205;

423 (40) (a) the following records of an institution within the state system of higher
424 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
425 or received by or on behalf of faculty, staff, employees, or students of the institution:

426 (i) unpublished lecture notes;

427 (ii) unpublished notes, data, and information:

428 (A) relating to research; and

429 (B) of:

430 (I) the institution within the state system of higher education defined in Section
431 53B-1-102; or

432 (II) a sponsor of sponsored research;

433 (iii) unpublished manuscripts;

434 (iv) creative works in process;

435 (v) scholarly correspondence; and

436 (vi) confidential information contained in research proposals;

437 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
438 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

439 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

440 (41) (a) records in the custody or control of the Office of Legislative Auditor General
441 that would reveal the name of a particular legislator who requests a legislative audit prior to
442 the date that audit is completed and made public; and

443 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to
444 the Office of the Legislative Auditor General is a public document unless the legislator asks
445 that the records in the custody or control of the Office of Legislative Auditor General that
446 would reveal the name of a particular legislator who requests a legislative audit be maintained
447 as protected records until the audit is completed and made public;

448 (42) records that provide detail as to the location of an explosive, including a map or
449 other document that indicates the location of:

- 450 (a) a production facility; or
- 451 (b) a magazine;
- 452 (43) information:
 - 453 (a) contained in the statewide database of the Division of Aging and Adult Services
 - 454 created by Section 62A-3-311.1; or
 - 455 (b) received or maintained in relation to the Identity Theft Reporting Information
 - 456 System (IRIS) established under Section 67-5-22;
 - 457 (44) information contained in the Management Information System and Licensing
 - 458 Information System described in Title 62A, Chapter 4a, Child and Family Services;
 - 459 (45) information regarding National Guard operations or activities in support of the
 - 460 National Guard's federal mission;
 - 461 (46) records provided by any pawn or secondhand business to a law enforcement
 - 462 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
 - 463 Secondhand Merchandise Transaction Information Act;
 - 464 (47) information regarding food security, risk, and vulnerability assessments
 - 465 performed by the Department of Agriculture and Food;
 - 466 (48) except to the extent that the record is exempt from this chapter pursuant to
 - 467 Section 63G-2-106, records related to an emergency plan or program prepared or maintained
 - 468 by the Division of Homeland Security the disclosure of which would jeopardize:
 - 469 (a) the safety of the general public; or
 - 470 (b) the security of:
 - 471 (i) governmental property;
 - 472 (ii) governmental programs; or
 - 473 (iii) the property of a private person who provides the Division of Homeland Security
 - 474 information;
 - 475 (49) records of the Department of Agriculture and Food relating to the National
 - 476 Animal Identification System or any other program that provides for the identification, tracing,
 - 477 or control of livestock diseases, including any program established under Title 4, Chapter 24,

478 Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and
479 Quarantine;

480 (50) as provided in Section 26-39-501:

481 (a) information or records held by the Department of Health related to a complaint
482 regarding a child care program or residential child care which the department is unable to
483 substantiate; and

484 (b) information or records related to a complaint received by the Department of Health
485 from an anonymous complainant regarding a child care program or residential child care;

486 (51) unless otherwise classified as public under Section 63G-2-301 and except as
487 provided under Section 41-1a-116, an individual's home address, home telephone number, or
488 personal mobile phone number, if:

489 (a) the individual is required to provide the information in order to comply with a law,
490 ordinance, rule, or order of a government entity; and

491 (b) the subject of the record has a reasonable expectation that this information will be
492 kept confidential due to:

493 (i) the nature of the law, ordinance, rule, or order; and

494 (ii) the individual complying with the law, ordinance, rule, or order;

495 (52) the name, home address, work addresses, and telephone numbers of an individual
496 that is engaged in, or that provides goods or services for, medical or scientific research that is:

497 (a) conducted within the state system of higher education, as defined in Section
498 53B-1-102; and

499 (b) conducted using animals;

500 (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement
501 Private Proposal Program, to the extent not made public by rules made under that chapter;

502 (54) information collected and a report prepared by the Judicial Performance
503 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
504 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
505 the information or report;

506 (55) (a) records of the Utah Educational Savings Plan Trust created under Section
507 53B-8a-103 if the disclosure of the records would conflict with its fiduciary obligations;
508 (b) proposals submitted to the Utah Educational Savings Plan Trust; and
509 (c) contracts entered into by the Utah Educational Savings Plan Trust and the related
510 payments; [~~and~~]
511 (56) records contained in the Management Information System created in Section
512 62A-4a-1003[-]; and
513 (57) information requested by and provided to the Utah State 911 Committee under
514 Section 53-10-602.