

1 **PROPERTY TAX RECORDS AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joel Ferry**

5 Senate Sponsor: Daniel Hemmert

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Government Records Access and Management Act
10 related to certain property tax records.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ classifies the following information as private for purposes of the Government
14 Records Access and Management Act:

15 • an individual's email address, phone number, and payment method information
16 that is maintained by a county for purposes of administering property taxes; and

17 • any record concerning an individual's eligibility for property tax relief; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63G-2-302**, as last amended by Laws of Utah 2019, Chapter 293

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

28 Section 1. Section **63G-2-302** is amended to read:

29 **63G-2-302. Private records.**

- 30 (1) The following records are private:
- 31 (a) records concerning an individual's eligibility for unemployment insurance benefits,
32 social services, welfare benefits, or the determination of benefit levels;
- 33 (b) records containing data on individuals describing medical history, diagnosis,
34 condition, treatment, evaluation, or similar medical data;
- 35 (c) records of publicly funded libraries that when examined alone or with other records
36 identify a patron;
- 37 (d) records received by or generated by or for:
- 38 (i) the Independent Legislative Ethics Commission, except for:
- 39 (A) the commission's summary data report that is required under legislative rule; and
40 (B) any other document that is classified as public under legislative rule; or
- 41 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
42 unless the record is classified as public under legislative rule;
- 43 (e) records received by, or generated by or for, the Independent Executive Branch
44 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
45 of Executive Branch Ethics Complaints;
- 46 (f) records received or generated for a Senate confirmation committee concerning
47 character, professional competence, or physical or mental health of an individual:
- 48 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 49 (A) reasonably could be expected to interfere with the investigation undertaken by the
50 committee; or
- 51 (B) would create a danger of depriving a person of a right to a fair proceeding or
52 impartial hearing; and
- 53 (ii) after the meeting, if the meeting was closed to the public;
- 54 (g) employment records concerning a current or former employee of, or applicant for
55 employment with, a governmental entity that would disclose that individual's home address,
56 home telephone number, social security number, insurance coverage, marital status, or payroll
57 deductions;

- 58 (h) records or parts of records under Section 63G-2-303 that a current or former
59 employee identifies as private according to the requirements of that section;
- 60 (i) that part of a record indicating a person's social security number or federal employer
61 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
62 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 63 (j) that part of a voter registration record identifying a voter's:
- 64 (i) driver license or identification card number;
- 65 (ii) social security number, or last four digits of the social security number;
- 66 (iii) email address; or
- 67 (iv) date of birth;
- 68 (k) a voter registration record that is classified as a private record by the lieutenant
69 governor or a county clerk under Subsection 20A-2-104(4)(f), 20A-2-101.1(5)(a), or
70 20A-2-204(4)(b);
- 71 (l) a record that:
- 72 (i) contains information about an individual;
- 73 (ii) is voluntarily provided by the individual; and
- 74 (iii) goes into an electronic database that:
- 75 (A) is designated by and administered under the authority of the Chief Information
76 Officer; and
- 77 (B) acts as a repository of information about the individual that can be electronically
78 retrieved and used to facilitate the individual's online interaction with a state agency;
- 79 (m) information provided to the Commissioner of Insurance under:
- 80 (i) Subsection 31A-23a-115(3)(a);
- 81 (ii) Subsection 31A-23a-302(4); or
- 82 (iii) Subsection 31A-26-210(4);
- 83 (n) information obtained through a criminal background check under Title 11, Chapter
84 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 85 (o) information provided by an offender that is:

86 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
87 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

88 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
89 77-43-108(4);

90 (p) a statement and any supporting documentation filed with the attorney general in
91 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
92 homeland security;

93 (q) electronic toll collection customer account information received or collected under
94 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
95 collected by a public transit district, including contact and payment information and customer
96 travel data;

97 (r) an email address provided by a military or overseas voter under Section
98 20A-16-501;

99 (s) a completed military-overseas ballot that is electronically transmitted under Title
100 20A, Chapter 16, Uniform Military and Overseas Voters Act;

101 (t) records received by or generated by or for the Political Subdivisions Ethics Review
102 Commission established in Section 63A-15-201, except for:

103 (i) the commission's summary data report that is required in Section 63A-15-202; and

104 (ii) any other document that is classified as public in accordance with Title 63A,
105 Chapter 15, Political Subdivisions Ethics Review Commission;

106 (u) a record described in Section 53G-9-604 that verifies that a parent was notified of
107 an incident or threat;

108 (v) a criminal background check or credit history report conducted in accordance with
109 Section 63A-3-201; [~~and~~]

110 (w) a record described in Subsection 53-5a-104(7)[-];

111 (x) the following portions of a record maintained by a county for the purpose of
112 administering property taxes, an individual's:

113 (i) email address;

- 114 (ii) phone number; or
- 115 (iii) personal financial information related to a person's payment method; and
- 116 (y) a record concerning an individual's eligibility for an exemption, deferral, abatement,
- 117 or relief under:
 - 118 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;
 - 119 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
 - 120 (iii) Title 59, Chapter 18, Tax Deferral and Tax Abatement; or
 - 121 (iv) Title 59, Chapter 19, Armed Forces Exemptions.
- 122 (2) The following records are private if properly classified by a governmental entity:
 - 123 (a) records concerning a current or former employee of, or applicant for employment
 - 124 with a governmental entity, including performance evaluations and personal status information
 - 125 such as race, religion, or disabilities, but not including records that are public under Subsection
 - 126 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);
 - 127 (b) records describing an individual's finances, except that the following are public:
 - 128 (i) records described in Subsection [63G-2-301\(2\)](#);
 - 129 (ii) information provided to the governmental entity for the purpose of complying with
 - 130 a financial assurance requirement; or
 - 131 (iii) records that must be disclosed in accordance with another statute;
 - 132 (c) records of independent state agencies if the disclosure of those records would
 - 133 conflict with the fiduciary obligations of the agency;
 - 134 (d) other records containing data on individuals the disclosure of which constitutes a
 - 135 clearly unwarranted invasion of personal privacy;
 - 136 (e) records provided by the United States or by a government entity outside the state
 - 137 that are given with the requirement that the records be managed as private records, if the
 - 138 providing entity states in writing that the record would not be subject to public disclosure if
 - 139 retained by it;
 - 140 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
 - 141 created in Section [62A-3-102](#), that may disclose, or lead to the discovery of, the identity of a

142 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

143 (g) audio and video recordings created by a body-worn camera, as defined in Section
144 [77-7a-103](#), that record sound or images inside a home or residence except for recordings that:

145 (i) depict the commission of an alleged crime;

146 (ii) record any encounter between a law enforcement officer and a person that results in
147 death or bodily injury, or includes an instance when an officer fires a weapon;

148 (iii) record any encounter that is the subject of a complaint or a legal proceeding
149 against a law enforcement officer or law enforcement agency;

150 (iv) contain an officer involved critical incident as defined in Section [76-2-408\(1\)\(d\)](#);

151 or

152 (v) have been requested for reclassification as a public record by a subject or
153 authorized agent of a subject featured in the recording.

154 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
155 records, statements, history, diagnosis, condition, treatment, and evaluation.

156 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
157 doctors, or affiliated entities are not private records or controlled records under Section
158 [63G-2-304](#) when the records are sought:

159 (i) in connection with any legal or administrative proceeding in which the patient's
160 physical, mental, or emotional condition is an element of any claim or defense; or

161 (ii) after a patient's death, in any legal or administrative proceeding in which any party
162 relies upon the condition as an element of the claim or defense.

163 (c) Medical records are subject to production in a legal or administrative proceeding
164 according to state or federal statutes or rules of procedure and evidence as if the medical
165 records were in the possession of a nongovernmental medical care provider.