

**Senator Daniel McCay** proposes the following substitute bill:

**NONPROFIT ENTITIES AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: Mark A. Strong

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to nonprofit entities.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a public entity from, subject to certain exceptions, disclosing or taking certain other action regarding information that identifies a person as a donor to an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code;
- ▶ places limitations on the regulation of a nonprofit entity by a public agency; and
- ▶ classifies a record protected from disclosure under this bill as a protected record under the Government Records Access and Management Act.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-2-305**, as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277



26 ENACTS:

27 [63G-24-101](#), Utah Code Annotated 1953

28 [63G-24-102](#), Utah Code Annotated 1953

29 [63G-24-103](#), Utah Code Annotated 1953

30 [63G-24-104](#), Utah Code Annotated 1953

31 [63G-24-105](#), Utah Code Annotated 1953

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

34 Section 1. Section [63G-2-305](#) is amended to read:

35 **[63G-2-305. Protected records.](#)**

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

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

39 (2) commercial information or nonindividual financial information obtained from a  
40 person if:

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

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

46 (c) the person submitting the information has provided the governmental entity with  
47 the information specified in Section [63G-2-309](#);

48 (3) commercial or financial information acquired or prepared by a governmental entity  
49 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
50 commodities that will interfere with a planned transaction by the governmental entity or cause  
51 substantial financial injury to the governmental entity or state economy;

52 (4) records, the disclosure of which could cause commercial injury to, or confer a  
53 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
54 defined in Subsection [11-13-103\(4\)](#);

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

57 (6) records, the disclosure of which would impair governmental procurement  
58 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
59 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
60 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
61 grant has been awarded and signed by all parties:

62 (a) a bid, proposal, application, or other information submitted to or by a governmental  
63 entity in response to:

- 64 (i) an invitation for bids;
- 65 (ii) a request for proposals;
- 66 (iii) a request for quotes;
- 67 (iv) a grant; or
- 68 (v) other similar document; or

69 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

70 (7) information submitted to or by a governmental entity in response to a request for  
71 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
72 the right of a person to have access to the information, after:

73 (a) a contract directly relating to the subject of the request for information has been  
74 awarded and signed by all parties; or

75 (b) (i) a final determination is made not to enter into a contract that relates to the  
76 subject of the request for information; and

77 (ii) at least two years have passed after the day on which the request for information is  
78 issued;

79 (8) records that would identify real property or the appraisal or estimated value of real  
80 or personal property, including intellectual property, under consideration for public acquisition  
81 before any rights to the property are acquired unless:

82 (a) public interest in obtaining access to the information is greater than or equal to the  
83 governmental entity's need to acquire the property on the best terms possible;

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

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

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

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

94 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
95 compensated transaction of real or personal property including intellectual property, which, if  
96 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
97 of the subject property, unless:

98 (a) the public interest in access is greater than or equal to the interests in restricting  
99 access, including the governmental entity's interest in maximizing the financial benefit of the  
100 transaction; or

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

104 (10) records created or maintained for civil, criminal, or administrative enforcement  
105 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
106 release of the records:

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

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

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

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

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

119 interfere with enforcement or audit efforts;

120 (11) records the disclosure of which would jeopardize the life or safety of an  
121 individual;

122 (12) records the disclosure of which would jeopardize the security of governmental  
123 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
124 or other appropriation or use contrary to law or public policy;

125 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
126 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
127 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

128 (14) records that, if disclosed, would reveal recommendations made to the Board of  
129 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
130 Board of Pardons and Parole, or the Department of Human Services that are based on the  
131 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
132 jurisdiction;

133 (15) records and audit workpapers that identify audit, collection, and operational  
134 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
135 audits or collections;

136 (16) records of a governmental audit agency relating to an ongoing or planned audit  
137 until the final audit is released;

138 (17) records that are subject to the attorney client privilege;

139 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
140 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
141 quasi-judicial, or administrative proceeding;

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

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

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

148 (A) members of a legislative body;

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

150 (C) members of a legislative body's staff; and  
151 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
152 legislative action or policy may not be classified as protected under this section;  
153 (20) (a) records in the custody or control of the Office of Legislative Research and  
154 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
155 legislation or contemplated course of action before the legislator has elected to support the  
156 legislation or course of action, or made the legislation or course of action public; and  
157 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
158 Office of Legislative Research and General Counsel is a public document unless a legislator  
159 asks that the records requesting the legislation be maintained as protected records until such  
160 time as the legislator elects to make the legislation or course of action public;  
161 (21) research requests from legislators to the Office of Legislative Research and  
162 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
163 in response to these requests;  
164 (22) drafts, unless otherwise classified as public;  
165 (23) records concerning a governmental entity's strategy about:  
166 (a) collective bargaining; or  
167 (b) imminent or pending litigation;  
168 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
169 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
170 Uninsured Employers' Fund, or similar divisions in other governmental entities;  
171 (25) records, other than personnel evaluations, that contain a personal recommendation  
172 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
173 personal privacy, or disclosure is not in the public interest;  
174 (26) records that reveal the location of historic, prehistoric, paleontological, or  
175 biological resources that if known would jeopardize the security of those resources or of  
176 valuable historic, scientific, educational, or cultural information;  
177 (27) records of independent state agencies if the disclosure of the records would  
178 conflict with the fiduciary obligations of the agency;  
179 (28) records of an institution within the state system of higher education defined in  
180 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,

181 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
182 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
183 the final decisions about tenure, appointments, retention, promotions, or those students  
184 admitted, may not be classified as protected under this section;

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

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

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

196 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
197 public body except as provided in Section [52-4-206](#);

198 (33) records that would reveal the contents of settlement negotiations but not including  
199 final settlements or empirical data to the extent that they are not otherwise exempt from  
200 disclosure;

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

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

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

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

216 (a) the donor requests anonymity in writing;

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

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

224 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
225 73-18-13;

226 (39) a notification of workers' compensation insurance coverage described in Section  
227 34A-2-205;

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

231 (i) unpublished lecture notes;

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

233 (A) relating to research; and

234 (B) of:

235 (I) the institution within the state system of higher education defined in Section  
236 53B-1-102; or

237 (II) a sponsor of sponsored research;

238 (iii) unpublished manuscripts;

239 (iv) creative works in process;

240 (v) scholarly correspondence; and

241 (vi) confidential information contained in research proposals;

242 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

243 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
244 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
245 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
246 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
247 date that audit is completed and made public; and  
248 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
249 Office of the Legislative Auditor General is a public document unless the legislator asks that  
250 the records in the custody or control of the Office of Legislative Auditor General that would  
251 reveal the name of a particular legislator who requests a legislative audit be maintained as  
252 protected records until the audit is completed and made public;  
253 (42) records that provide detail as to the location of an explosive, including a map or  
254 other document that indicates the location of:  
255 (a) a production facility; or  
256 (b) a magazine;  
257 (43) information:  
258 (a) contained in the statewide database of the Division of Aging and Adult Services  
259 created by Section 62A-3-311.1; or  
260 (b) received or maintained in relation to the Identity Theft Reporting Information  
261 System (IRIS) established under Section 67-5-22;  
262 (44) information contained in the Management Information System and Licensing  
263 Information System described in Title 62A, Chapter 4a, Child and Family Services;  
264 (45) information regarding National Guard operations or activities in support of the  
265 National Guard's federal mission;  
266 (46) records provided by any pawn or secondhand business to a law enforcement  
267 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
268 Secondhand Merchandise Transaction Information Act;  
269 (47) information regarding food security, risk, and vulnerability assessments performed  
270 by the Department of Agriculture and Food;  
271 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
272 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or  
273 prepared or maintained by the Division of Emergency Management, and the disclosure of

274 which would jeopardize:

275 (a) the safety of the general public; or

276 (b) the security of:

277 (i) governmental property;

278 (ii) governmental programs; or

279 (iii) the property of a private person who provides the Division of Emergency

280 Management information;

281 (49) records of the Department of Agriculture and Food that provides for the  
282 identification, tracing, or control of livestock diseases, including any program established under  
283 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
284 of Animal Disease;

285 (50) as provided in Section [26-39-501](#):

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

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

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

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

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

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

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

300 (52) the portion of the following documents that contains a candidate's residential or  
301 mailing address, if the candidate provides to the filing officer another address or phone number  
302 where the candidate may be contacted:

303 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
304 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),

305 20A-9-408.5, 20A-9-502, or 20A-9-601;

306 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

307 (c) a notice of intent to gather signatures for candidacy, described in Section

308 20A-9-408;

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

311 (a) conducted within the state system of higher education, as defined in Section

312 53B-1-102; and

313 (b) conducted using animals;

314 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance

315 Evaluation Commission concerning an individual commissioner's vote on whether or not to

316 recommend that the voters retain a judge including information disclosed under Subsection

317 78A-12-203(5)(e);

318 (55) information collected and a report prepared by the Judicial Performance

319 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

320 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

321 the information or report;

322 (56) records contained in the Management Information System created in Section

323 62A-4a-1003;

324 (57) records provided or received by the Public Lands Policy Coordinating Office in

325 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

326 (58) information requested by and provided to the 911 Division under Section

327 63H-7a-302;

328 (59) in accordance with Section 73-10-33:

329 (a) a management plan for a water conveyance facility in the possession of the Division  
330 of Water Resources or the Board of Water Resources; or

331 (b) an outline of an emergency response plan in possession of the state or a county or  
332 municipality;

333 (60) the following records in the custody or control of the Office of Inspector General  
334 of Medicaid Services, created in Section 63A-13-201:

335 (a) records that would disclose information relating to allegations of personal

336 misconduct, gross mismanagement, or illegal activity of a person if the information or  
337 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
338 through other documents or evidence, and the records relating to the allegation are not relied  
339 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
340 report or final audit report;

341 (b) records and audit workpapers to the extent they would disclose the identity of a  
342 person who, during the course of an investigation or audit, communicated the existence of any  
343 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
344 regulation adopted under the laws of this state, a political subdivision of the state, or any  
345 recognized entity of the United States, if the information was disclosed on the condition that  
346 the identity of the person be protected;

347 (c) before the time that an investigation or audit is completed and the final  
348 investigation or final audit report is released, records or drafts circulated to a person who is not  
349 an employee or head of a governmental entity for the person's response or information;

350 (d) records that would disclose an outline or part of any investigation, audit survey  
351 plan, or audit program; or

352 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
353 investigation or audit;

354 (61) records that reveal methods used by the Office of Inspector General of Medicaid  
355 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
356 abuse;

357 (62) information provided to the Department of Health or the Division of Occupational  
358 and Professional Licensing under Subsection 58-68-304(3) or (4);

359 (63) a record described in Section 63G-12-210;

360 (64) captured plate data that is obtained through an automatic license plate reader  
361 system used by a governmental entity as authorized in Section 41-6a-2003;

362 (65) any record in the custody of the Utah Office for Victims of Crime relating to a  
363 victim, including:

364 (a) a victim's application or request for benefits;

365 (b) a victim's receipt or denial of benefits; and

366 (c) any administrative notes or records made or created for the purpose of, or used to,

367 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
368 Reparations Fund;

369 (66) an audio or video recording created by a body-worn camera, as that term is  
370 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
371 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
372 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
373 that term is defined in Section 62A-2-101, except for recordings that:

374 (a) depict the commission of an alleged crime;

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

377 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
378 a law enforcement officer or law enforcement agency;

379 (d) contain an officer involved critical incident as defined in Subsection  
380 76-2-408(1)(d); or

381 (e) have been requested for reclassification as a public record by a subject or  
382 authorized agent of a subject featured in the recording;

383 (67) a record pertaining to the search process for a president of an institution of higher  
384 education described in Section 53B-2-102, except for application materials for a publicly  
385 announced finalist; [~~and~~]

386 (68) an audio recording that is:

387 (a) produced by an audio recording device that is used in conjunction with a device or  
388 piece of equipment designed or intended for resuscitating an individual or for treating an  
389 individual with a life-threatening condition;

390 (b) produced during an emergency event when an individual employed to provide law  
391 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

392 (i) is responding to an individual needing resuscitation or with a life-threatening  
393 condition; and

394 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
395 individual or for treating an individual with a life-threatening condition; and

396 (c) intended and used for purposes of training emergency responders how to improve  
397 their response to an emergency situation;

398 (69) records submitted by or prepared in relation to an applicant seeking a  
399 recommendation by the Research and General Counsel Subcommittee, the Budget  
400 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
401 employment position with the Legislature;

402 (70) work papers as defined in Section 31A-2-204;

403 (71) a record made available to Adult Protective Services or a law enforcement agency  
404 under Section 61-1-206;

405 (72) a record submitted to the Insurance Department in accordance with Section  
406 31A-37-201; [and]

407 (73) a record described in Section 31A-37-503[-];

408 (74) any record created by the Division of Occupational and Professional Licensing as  
409 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii); [and]

410 (75) a record described in Section 72-16-306 that relates to the reporting of an injury  
411 involving an amusement ride[-]; and

412 (76) personal information, as defined in Section 63G-24-102, to the extent disclosure is  
413 prohibited under Section 63G-24-103.

414 Section 2. Section 63G-24-101 is enacted to read:

415 **CHAPTER 24. GOVERNMENT INTERACTION WITH NONPROFIT ENTITIES**

416 **63G-24-101. Title.**

417 This chapter is known as the "Government Interaction With Nonprofit Entities."

418 Section 3. Section 63G-24-102 is enacted to read:

419 **63G-24-102. Definitions.**

420 As used in this chapter:

421 (1) "Personal information" means a record or other compilation of data that identifies a  
422 person as a donor to an entity exempt from federal income tax under Section 501(c) of the  
423 Internal Revenue Code.

424 (2) "Public agency" means a state or local government entity, including:

425 (a) a department, division, agency, office, commission, board, or other government  
426 organization;

427 (b) a political subdivision, including a county, city, town, metro township, local  
428 district, or special service district;

429 (c) a public school, school district, charter school, or public higher education  
 430 institution; or

431 (d) a judicial or quasi-judicial body.

432 Section 4. Section **63G-24-103** is enacted to read:

433 **63G-24-103. Protection of personal information.**

434 (1) Except as provided in Subsections (2) ~~§~~, ~~and~~, ~~§~~ (3), ~~§~~ and (5), ~~§~~ a public  
 434a agency may not:

435 (a) require an individual to provide the public agency with personal information or  
 436 otherwise compel the release of personal information;

437 (b) require an entity exempt from federal income tax under Section 501(c) of the  
 438 Internal Revenue Code to provide the public agency with personal information or compel the  
 439 entity to release personal information;

440 (c) release, publicize, or otherwise publicly disclose personal information in possession  
 441 of a public agency; or

442 (d) request or require a current or prospective contractor or grantee of the public  
 443 agency to provide the public agency with a list of entities exempt from federal income tax  
 444 under Section 501(c) of the Internal Revenue Code to which the contractor or grantee has  
 445 provided financial or nonfinancial support.

446 (2) Subsection (1) does not apply to:

447 (a) a disclosure of personal information required under Title 20A, Election Code, Title  
 448 36, Chapter 11, Lobbyist Disclosure and Regulation Act, or any other legal requirement  
 449 relating to reporting campaign contributions, campaign expenditures, lobbying disclosures, or  
 450 lobbying expenditures;

451 (b) a disclosure of personal information expressly required by law;

452 (c) a disclosure of personal information voluntarily made:

453 (i) as part of public comment or in a public meeting; or

454 (ii) in another manner that is publicly accessible;

455 (d) a disclosure of personal information pursuant to a warrant or court order issued by a  
 456 court of competent jurisdiction;

457 (e) a lawful request for discovery of personal information in litigation or a criminal  
 458 proceeding;

459 (f) the use of personal information in a legal proceeding; or

460 (g) a public agency sharing personal information with another public agency in  
 461 accordance with the requirements of law.

462 (3) Subsections (1)(a), (b), and (d) do not apply to:

463 (a) administration or enforcement of Title 13, Chapter 11, Utah Consumer Sales  
 464 Practice Act, or Title 13, Chapter 22, Charitable Solicitations Act;

465 (b) the request or use of personal information necessary to the Tax Commission's  
 466 administration of tax or motor vehicle laws; or

467 (c) access to personal information by the Office of the Legislative Auditor General or  
 468 the State Auditor's Office to conduct an audit.

469 (4) A court shall consider whether to:

470 (a) limit a request for discovery of personal information; or

471 (b) issue a protective order in relation to the disclosure of personal information  
 472 obtained or used in relation to a legal proceeding.

472a **Ŝ→ (5) Subsection (1) does not apply to disclosure of a contributor, as defined in Section**  
 472b **41-1a-422 , to a sponsoring organization described in Subsection 41-1a-422(3). ←Ŝ**

473 Section 5. Section **63G-24-104** is enacted to read:

474 **63G-24-104. Enforcement -- Penalty.**

475 (1) A person whose personal information is provided or disclosed in violation of this  
 476 chapter may bring a civil action for appropriate injunctive relief, damages, or both.

477 (2) A court may award court costs and attorney fees to a person that brings an action  
 478 described in Subsection (1) if the person prevails in that action.

479 (3) A person that knowingly violates a provision of Section **63G-24-103** is guilty of a  
 480 class C misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not  
 481 more than \$1,000, or both.

482 Section 6. Section **63G-24-105** is enacted to read:

483 **63G-24-105. Limitations on regulation by a public agency.**

484 A public agency may not impose a requirement on the registration or maintenance of a  
 485 nonprofit entity that is more restrictive or expansive than the requirements **Ŝ→ [of] authorized**  
 485a **by ←Ŝ** Utah Code or  
 486 federal law.