

Senator Daniel McCay proposes the following substitute bill:

PERSONAL PRIVACY PROTECTION ACT

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

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.

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; 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:



26 AMENDS:

27 **63G-2-305**, as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277

28 ENACTS:

29 **63G-24-101**, Utah Code Annotated 1953

30 **63G-24-102**, Utah Code Annotated 1953

31 **63G-24-103**, Utah Code Annotated 1953

32 **63G-24-104**, Utah Code Annotated 1953

33

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

35 Section 1. Section **63G-2-305** is amended to read:

36 **63G-2-305. Protected records.**

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

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

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

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

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

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

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

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

56 (5) test questions and answers to be used in future license, certification, registration,

57 employment, or academic examinations;

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

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

65 (i) an invitation for bids;

66 (ii) a request for proposals;

67 (iii) a request for quotes;

68 (iv) a grant; or

69 (v) other similar document; or

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

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

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

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

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

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

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

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

87 (c) in the case of records that would identify property, potential sellers of the described

88 property have already learned of the governmental entity's plans to acquire the property;

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

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

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

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

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

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

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

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

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

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

118 (e) reasonably could be expected to disclose investigative or audit techniques,

119 procedures, policies, or orders not generally known outside of government if disclosure would
120 interfere with enforcement or audit efforts;

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

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

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

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

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

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

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

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

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

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

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

149 (A) members of a legislative body;

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

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

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

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

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

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

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

166 (23) records concerning a governmental entity's strategy about:

167 (a) collective bargaining; or

168 (b) imminent or pending litigation;

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

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

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

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

180 (28) records of an institution within the state system of higher education defined in

181 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
182 retention decisions, and promotions, which could be properly discussed in a meeting closed in
183 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
184 the final decisions about tenure, appointments, retention, promotions, or those students
185 admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

212 copyrights, and trade secrets;

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

217 (a) the donor requests anonymity in writing;

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

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

225 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
226 73-18-13;

227 (39) a notification of workers' compensation insurance coverage described in Section
228 34A-2-205;

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

232 (i) unpublished lecture notes;

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

234 (A) relating to research; and

235 (B) of:

236 (I) the institution within the state system of higher education defined in Section
237 53B-1-102; or

238 (II) a sponsor of sponsored research;

239 (iii) unpublished manuscripts;

240 (iv) creative works in process;

241 (v) scholarly correspondence; and

242 (vi) confidential information contained in research proposals;

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

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

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

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

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

256 (a) a production facility; or
257 (b) a magazine;

258 (43) information:

259 (a) contained in the statewide database of the Division of Aging and Adult Services
260 created by Section 62A-3-311.1; or

261 (b) received or maintained in relation to the Identity Theft Reporting Information
262 System (IRIS) established under Section 67-5-22;

263 (44) information contained in the Management Information System and Licensing
264 Information System described in Title 62A, Chapter 4a, Child and Family Services;

265 (45) information regarding National Guard operations or activities in support of the
266 National Guard's federal mission;

267 (46) records provided by any pawn or secondhand business to a law enforcement
268 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
269 Secondhand Merchandise Transaction Information Act;

270 (47) information regarding food security, risk, and vulnerability assessments performed
271 by the Department of Agriculture and Food;

272 (48) except to the extent that the record is exempt from this chapter pursuant to Section
273 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or

274 prepared or maintained by the Division of Emergency Management, and the disclosure of
275 which would jeopardize:

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

277 (b) the security of:

278 (i) governmental property;

279 (ii) governmental programs; or

280 (iii) the property of a private person who provides the Division of Emergency
281 Management information;

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

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

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

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

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

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

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

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

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

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

304 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,

305 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),
306 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

307 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or

308 (c) a notice of intent to gather signatures for candidacy, described in Section
309 [20A-9-408](#);

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

312 (a) conducted within the state system of higher education, as defined in Section
313 [53B-1-102](#); and

314 (b) conducted using animals;

315 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
316 Evaluation Commission concerning an individual commissioner's vote on whether or not to
317 recommend that the voters retain a judge including information disclosed under Subsection
318 [78A-12-203\(5\)\(e\)](#);

319 (55) information collected and a report prepared by the Judicial Performance
320 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
321 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
322 the information or report;

323 (56) records contained in the Management Information System created in Section
324 [62A-4a-1003](#);

325 (57) records provided or received by the Public Lands Policy Coordinating Office in
326 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

327 (58) information requested by and provided to the 911 Division under Section
328 [63H-7a-302](#);

329 (59) in accordance with Section [73-10-33](#):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

367 (c) any administrative notes or records made or created for the purpose of, or used to,
368 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
369 Reparations Fund;

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

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

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

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

380 (d) contain an officer involved critical incident as defined in Subsection
381 76-2-408(1)(d); or

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

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

387 (68) an audio recording that is:

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

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

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

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

397 (c) intended and used for purposes of training emergency responders how to improve

398 their response to an emergency situation;

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

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

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

406 (72) a record submitted to the Insurance Department in accordance with Section
407 31A-37-201; [~~and~~]

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

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

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

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

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

416 **CHAPTER 24. PERSONAL PRIVACY PROTECTION ACT**

417 **63G-24-101. Title.**

418 This chapter is known as the "Personal Privacy Protection Act."

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

420 **63G-24-102. Definitions.**

421 As used in this chapter:

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

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

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

428 (b) a political subdivision, including a county, city, town, metro township, local

429 district, or special service district;

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

431 institution; or

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

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

434 **63G-24-103. Protection of personal information.**

435 (1) Except as provided in Subsections (2) and (3), a public agency may not:

436 (a) require an individual to provide the public agency with personal information or

437 otherwise compel the release of personal information;

438 (b) require an entity exempt from federal income tax under Section 501(c) of the

439 Internal Revenue Code to provide the public agency with personal information or compel the

440 entity to release personal information;

441 (c) release, publicize, or otherwise publicly disclose personal information in possession

442 of a public agency; or

443 (d) request or require a current or prospective contractor or grantee of the public

444 agency to provide the public agency with a list of entities exempt from federal income tax

445 under Section 501(c) of the Internal Revenue Code to which the contractor or grantee has

446 provided financial or nonfinancial support.

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

448 (a) a disclosure of personal information required under Title 20A, Election Code, Title

449 36, Chapter 11, Lobbyist Disclosure and Regulation Act, or any other legal requirement

450 relating to reporting campaign contributions, campaign expenditures, lobbying disclosures, or

451 lobbying expenditures;

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

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

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

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

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

457 court of competent jurisdiction;

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

459 proceeding;

460 (f) the use of personal information in a legal proceeding;
461 (g) a public agency sharing personal information with another public agency in
462 accordance with the requirements of law;
463 (h) the request or use of personal information necessary to the Tax Commission's
464 administration of tax or motor vehicle laws; or
465 (i) access to personal information by the Office of the Legislative Auditor General or
466 the State Auditor's Office to conduct an audit.
467 (3) Subsections (1)(a), (b), and (d) do not apply to administration or enforcement of
468 Title 13, Chapter 22, Charitable Solicitations Act.
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.
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.