

JAIL PHOTO DISTRIBUTION PROHIBITION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill modifies provisions related to the use of an image taken of an individual during the process of booking the individual into jail.

Highlighted Provisions:

This bill:

- ▶ provides that an image taken of an individual during the process of booking the individual into jail is not a protected record when disseminated by a law enforcement agency under certain circumstances; and
- ▶ makes technical changes.

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 2021, Chapters 148, 179, 231, 353, 373, and 382

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

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

63G-2-305. Protected records.

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

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

32 (2) commercial information or nonindividual financial information obtained from a
33 person if:

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

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

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

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

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

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

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

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

57 (i) an invitation for bids;

- 58 (ii) a request for proposals;
- 59 (iii) a request for quotes;
- 60 (iv) a grant; or
- 61 (v) other similar document; or
- 62 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);
- 63 (7) information submitted to or by a governmental entity in response to a request for
- 64 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 65 the right of a person to have access to the information, after:
 - 66 (a) a contract directly relating to the subject of the request for information has been
 - 67 awarded and signed by all parties; or
 - 68 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 69 subject of the request for information; and
 - 70 (ii) at least two years have passed after the day on which the request for information is
 - 71 issued;
 - 72 (8) records that would identify real property or the appraisal or estimated value of real
 - 73 or personal property, including intellectual property, under consideration for public acquisition
 - 74 before any rights to the property are acquired unless:
 - 75 (a) public interest in obtaining access to the information is greater than or equal to the
 - 76 governmental entity's need to acquire the property on the best terms possible;
 - 77 (b) the information has already been disclosed to persons not employed by or under a
 - 78 duty of confidentiality to the entity;
 - 79 (c) in the case of records that would identify property, potential sellers of the described
 - 80 property have already learned of the governmental entity's plans to acquire the property;
 - 81 (d) in the case of records that would identify the appraisal or estimated value of
 - 82 property, the potential sellers have already learned of the governmental entity's estimated value
 - 83 of the property; or
 - 84 (e) the property under consideration for public acquisition is a single family residence
 - 85 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

86 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

110 (e) reasonably could be expected to disclose investigative or audit techniques,
111 procedures, policies, or orders not generally known outside of government if disclosure would
112 interfere with enforcement or audit efforts;

113 (11) records the disclosure of which would jeopardize the life or safety of an

114 individual;

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

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

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

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

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

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

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

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

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

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

141 (A) members of a legislative body;

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

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

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

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

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

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

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

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

159 (a) collective bargaining; or

160 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

197 (35) records that would reveal negotiations regarding assistance or incentives offered

198 by or requested from a governmental entity for the purpose of encouraging a person to expand
199 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
200 person or place the governmental entity at a competitive disadvantage, but this section may not
201 be used to restrict access to a record evidencing a final contract;

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

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

209 (a) the donor requests anonymity in writing;

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

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

217 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
218 73-18-13;

219 (39) a notification of workers' compensation insurance coverage described in Section
220 34A-2-205;

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

224 (i) unpublished lecture notes;

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

- 226 (A) relating to research; and
- 227 (B) of:
- 228 (I) the institution within the state system of higher education defined in Section
- 229 53B-1-102; or
- 230 (II) a sponsor of sponsored research;
- 231 (iii) unpublished manuscripts;
- 232 (iv) creative works in process;
- 233 (v) scholarly correspondence; and
- 234 (vi) confidential information contained in research proposals;
- 235 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
- 236 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 237 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 238 (41) (a) records in the custody or control of the Office of the Legislative Auditor
- 239 General that would reveal the name of a particular legislator who requests a legislative audit
- 240 prior to the date that audit is completed and made public; and
- 241 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 242 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 243 the records in the custody or control of the Office of the Legislative Auditor General that would
- 244 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 245 protected records until the audit is completed and made public;
- 246 (42) records that provide detail as to the location of an explosive, including a map or
- 247 other document that indicates the location of:
- 248 (a) a production facility; or
- 249 (b) a magazine;
- 250 (43) information:
- 251 (a) contained in the statewide database of the Division of Aging and Adult Services
- 252 created by Section 62A-3-311.1; or
- 253 (b) received or maintained in relation to the Identity Theft Reporting Information

254 System (IRIS) established under Section [67-5-22](#);

255 (44) information contained in the Licensing Information System described in Title

256 62A, Chapter 4a, Child and Family Services;

257 (45) information regarding National Guard operations or activities in support of the

258 National Guard's federal mission;

259 (46) records provided by any pawn or secondhand business to a law enforcement

260 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and

261 Secondhand Merchandise Transaction Information Act;

262 (47) information regarding food security, risk, and vulnerability assessments performed

263 by the Department of Agriculture and Food;

264 (48) except to the extent that the record is exempt from this chapter pursuant to Section

265 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or

266 prepared or maintained by the Division of Emergency Management, and the disclosure of

267 which would jeopardize:

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

269 (b) the security of:

270 (i) governmental property;

271 (ii) governmental programs; or

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

273 Management information;

274 (49) records of the Department of Agriculture and Food that provides for the

275 identification, tracing, or control of livestock diseases, including any program established under

276 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control

277 of Animal Disease;

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

279 (a) information or records held by the Department of Health related to a complaint

280 regarding a child care program or residential child care which the department is unable to

281 substantiate; and

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

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

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

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

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

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

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

296 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
297 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
298 20A-9-408.5, 20A-9-502, or 20A-9-601;

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

300 (c) a notice of intent to gather signatures for candidacy, described in Section
301 20A-9-408;

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

304 (a) conducted within the state system of higher education, as defined in Section
305 53B-1-102; and

306 (b) conducted using animals;

307 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
308 Evaluation Commission concerning an individual commissioner's vote on whether or not to
309 recommend that the voters retain a judge including information disclosed under Subsection

310 78A-12-203(5)(e);

311 (55) information collected and a report prepared by the Judicial Performance
312 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
313 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
314 the information or report;

315 (56) records provided or received by the Public Lands Policy Coordinating Office in
316 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

317 (57) information requested by and provided to the 911 Division under Section
318 63H-7a-302;

319 (58) in accordance with Section 73-10-33:

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

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

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

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

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

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

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

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

345 (60) records that reveal methods used by the Office of Inspector General of Medicaid
346 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
347 abuse;

348 (61) information provided to the Department of Health or the Division of Occupational
349 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
350 58-68-304(3) and (4);

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

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

354 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
355 victim, including:

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

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

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

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

- 366 (a) depict the commission of an alleged crime;
- 367 (b) record any encounter between a law enforcement officer and a person that results in
368 death or bodily injury, or includes an instance when an officer fires a weapon;
- 369 (c) record any encounter that is the subject of a complaint or a legal proceeding against
370 a law enforcement officer or law enforcement agency;
- 371 (d) contain an officer involved critical incident as defined in Subsection
372 76-2-408(1)(f); or
- 373 (e) have been requested for reclassification as a public record by a subject or
374 authorized agent of a subject featured in the recording;
- 375 (66) a record pertaining to the search process for a president of an institution of higher
376 education described in Section 53B-2-102, except for application materials for a publicly
377 announced finalist;
- 378 (67) an audio recording that is:
 - 379 (a) produced by an audio recording device that is used in conjunction with a device or
380 piece of equipment designed or intended for resuscitating an individual or for treating an
381 individual with a life-threatening condition;
 - 382 (b) produced during an emergency event when an individual employed to provide law
383 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
 - 384 (i) is responding to an individual needing resuscitation or with a life-threatening
385 condition; and
 - 386 (ii) uses a device or piece of equipment designed or intended for resuscitating an
387 individual or for treating an individual with a life-threatening condition; and
 - 388 (c) intended and used for purposes of training emergency responders how to improve
389 their response to an emergency situation;
- 390 (68) records submitted by or prepared in relation to an applicant seeking a
391 recommendation by the Research and General Counsel Subcommittee, the Budget
392 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
393 employment position with the Legislature;

- 394 (69) work papers as defined in Section 31A-2-204;
- 395 (70) a record made available to Adult Protective Services or a law enforcement agency
- 396 under Section 61-1-206;
- 397 (71) a record submitted to the Insurance Department in accordance with Section
- 398 31A-37-201;
- 399 (72) a record described in Section 31A-37-503;
- 400 (73) any record created by the Division of Occupational and Professional Licensing as
- 401 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 402 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
- 403 involving an amusement ride;
- 404 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
- 405 on a political petition, or on a request to withdraw a signature from a political petition,
- 406 including a petition or request described in the following titles:
 - 407 (a) Title 10, Utah Municipal Code;
 - 408 (b) Title 17, Counties;
 - 409 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
 - 410 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
 - 411 (e) Title 20A, Election Code;
- 412 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
- 413 a voter registration record;
- 414 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
- 415 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
- 416 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 417 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
- 418 5, Victims Guidelines for Prosecutors Act;
- 419 (79) a record submitted to the Insurance Department under Subsection
- 420 31A-48-103(1)(b);
- 421 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is

422 prohibited under Section [63G-26-103](#);

423 (81) ~~(a)~~ an image taken of an individual during the process of booking the individual
424 into jail, unless:

425 ~~(i)~~ (a) the individual is convicted of a criminal offense based upon the conduct for
426 which the individual was incarcerated at the time the image was taken;

427 ~~(ii)~~ (b) a law enforcement agency releases or disseminates the image:

428 (i) after determining that~~:(A)~~ the individual is a fugitive or an imminent threat to an
429 individual or to public safety~~;~~ and ~~(B)~~ releasing or disseminating the image will assist in
430 apprehending the individual or reducing or eliminating the threat; or

431 (ii) to a potential witness or other individual with direct knowledge of events relevant
432 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
433 individual in connection with the criminal investigation or criminal proceeding; or

434 ~~(iii)~~ (c) a judge orders the release or dissemination of the image based on a finding
435 that the release or dissemination is in furtherance of a legitimate law enforcement interest.

436 (82) a record:

437 (a) concerning an interstate claim to the use of waters in the Colorado River system;

438 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
439 representative from another state or the federal government as provided in Section

440 [63M-14-205](#); and

441 (c) the disclosure of which would:

442 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
443 Colorado River system;

444 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
445 negotiate the best terms and conditions regarding the use of water in the Colorado River
446 system; or

447 (iii) give an advantage to another state or to the federal government in negotiations
448 regarding the use of water in the Colorado River system; and

449 (83) any part of an application described in Section [63N-16-201](#) that the Governor's

450 Office of Economic Opportunity determines is nonpublic, confidential information that if
451 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
452 not be used to restrict access to a record evidencing a final contract or approval decision.