

1 **GOVERNMENT RECORDS ACCESS REVISIONS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kirk A. Cullimore**

5 House Sponsor: V. Lowry Snow

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses access to certain government records.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ exempts certain records related to a governmental entity's security measures from
- 13 the Government Records Access and Management Act (GRAMA);
- 14 ▶ classifies certain drinking water and wastewater data as a protected record under
- 15 GRAMA; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63G-2-106**, as renumbered and amended by Laws of Utah 2008, Chapter 382

24 **63G-2-305**, as last amended by Laws of Utah 2021, Chapters 148, 179, 231, 353, 373,
25 and 382

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

28 Section 1. Section **63G-2-106** is amended to read:

29 **63G-2-106. Records of security measures.**

30 (1) The records of a governmental entity or political subdivision regarding security
31 measures designed for the protection of persons or property, public or private, are not subject to
32 this chapter. [~~These records include:~~]

33 (2) The records described in Subsection (1) include:

34 [~~(1)~~] (a) security plans[;], including a plan:

35 (i) to prepare for or mitigate terrorist activity; or

36 (ii) for emergency and disaster response and recovery;

37 [~~(2)~~] (b) security codes and combinations, and passwords;

38 [~~(3)~~] (c) passes and keys;

39 [~~(4)~~] (d) security procedures; [~~and~~]

40 (e) except as provided in Subsection (3), results of, or data collected from, a public
41 entity's risk assessment or security audit; and

42 [~~(5)~~] (f) building and public works designs, to the extent that the records or information
43 relate to the ongoing security measures of a public entity.

44 (3) The records described in Subsection (1) do not include a certification that a
45 community water system has conducted a risk and resilience assessment under 42 U.S.C. Sec.
46 300i-2.

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

48 **63G-2-305. Protected records.**

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

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

52 (2) commercial information or nonindividual financial information obtained from a
53 person if:

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

57 (b) the person submitting the information has a greater interest in prohibiting access

58 than the public in obtaining access; and

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

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

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

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

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

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

77 (i) an invitation for bids;

78 (ii) a request for proposals;

79 (iii) a request for quotes;

80 (iv) a grant; or

81 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 (14) records that, if disclosed, would reveal recommendations made to the Board of

142 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
143 Board of Pardons and Parole, or the Department of Human Services that are based on the
144 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
145 jurisdiction;

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

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

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

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

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

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

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

161 (A) members of a legislative body;

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

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

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

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

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

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

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

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

179 (a) collective bargaining; or

180 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

225 (37) the name of a donor or a prospective donor to a governmental entity, including an

226 institution within the state system of higher education defined in Section 53B-1-102, and other
227 information concerning the donation that could reasonably be expected to reveal the identity of
228 the donor, provided that:

229 (a) the donor requests anonymity in writing;
230 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
231 classified protected by the governmental entity under this Subsection (37); and

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

237 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
238 73-18-13;

239 (39) a notification of workers' compensation insurance coverage described in Section
240 34A-2-205;

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

244 (i) unpublished lecture notes;

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

246 (A) relating to research; and

247 (B) of:

248 (I) the institution within the state system of higher education defined in Section
249 53B-1-102; or

250 (II) a sponsor of sponsored research;

251 (iii) unpublished manuscripts;

252 (iv) creative works in process;

253 (v) scholarly correspondence; and

254 (vi) confidential information contained in research proposals;
255 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
256 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
257 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
258 (41) (a) records in the custody or control of the Office of the Legislative Auditor
259 General that would reveal the name of a particular legislator who requests a legislative audit
260 prior to the date that audit is completed and made public; and
261 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
262 Office of the Legislative Auditor General is a public document unless the legislator asks that
263 the records in the custody or control of the Office of the Legislative Auditor General that would
264 reveal the name of a particular legislator who requests a legislative audit be maintained as
265 protected records until the audit is completed and made public;
266 (42) records that provide detail as to the location of an explosive, including a map or
267 other document that indicates the location of:
268 (a) a production facility; or
269 (b) a magazine;
270 (43) information:
271 (a) contained in the statewide database of the Division of Aging and Adult Services
272 created by Section 62A-3-311.1; or
273 (b) received or maintained in relation to the Identity Theft Reporting Information
274 System (IRIS) established under Section 67-5-22;
275 (44) information contained in the Licensing Information System described in Title
276 62A, Chapter 4a, Child and Family Services;
277 (45) information regarding National Guard operations or activities in support of the
278 National Guard's federal mission;
279 (46) records provided by any pawn or secondhand business to a law enforcement
280 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
281 Secondhand Merchandise Transaction Information Act;

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

284 (48) except to the extent that the record is exempt from this chapter pursuant to Section
285 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
286 prepared or maintained by the Division of Emergency Management, and the disclosure of
287 which would jeopardize:

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

289 (b) the security of:

290 (i) governmental property;

291 (ii) governmental programs; or

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

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

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

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

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

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

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

309 (b) the subject of the record has a reasonable expectation that this information will be

310 kept confidential due to:

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

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

313 (52) the portion of the following documents that contains a candidate's residential or

314 mailing address, if the candidate provides to the filing officer another address or phone number

315 where the candidate may be contacted:

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

317 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,

318 20A-9-408.5, 20A-9-502, or 20A-9-601;

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

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

321 20A-9-408;

322 (53) the name, home address, work addresses, and telephone numbers of an individual

323 that is engaged in, or that provides goods or services for, medical or scientific research that is:

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

325 53B-1-102; and

326 (b) conducted using animals;

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

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

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

330 78A-12-203(5)(e);

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

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

333 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

334 the information or report;

335 (56) records provided or received by the Public Lands Policy Coordinating Office in

336 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

337 (57) information requested by and provided to the 911 Division under Section

338 63H-7a-302;

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

340 (a) a management plan for a water conveyance facility in the possession of the Division

341 of Water Resources or the Board of Water Resources; or

342 (b) an outline of an emergency response plan in possession of the state or a county or

343 municipality;

344 (59) the following records in the custody or control of the Office of Inspector General

345 of Medicaid Services, created in Section 63A-13-201:

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

347 misconduct, gross mismanagement, or illegal activity of a person if the information or

348 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

349 through other documents or evidence, and the records relating to the allegation are not relied

350 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

351 report or final audit report;

352 (b) records and audit workpapers to the extent they would disclose the identity of a

353 person who, during the course of an investigation or audit, communicated the existence of any

354 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or

355 regulation adopted under the laws of this state, a political subdivision of the state, or any

356 recognized entity of the United States, if the information was disclosed on the condition that

357 the identity of the person be protected;

358 (c) before the time that an investigation or audit is completed and the final

359 investigation or final audit report is released, records or drafts circulated to a person who is not

360 an employee or head of a governmental entity for the person's response or information;

361 (d) records that would disclose an outline or part of any investigation, audit survey

362 plan, or audit program; or

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

364 investigation or audit;

365 (60) records that reveal methods used by the Office of Inspector General of Medicaid

366 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
367 abuse;

368 (61) information provided to the Department of Health or the Division of Occupational
369 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
370 58-68-304(3) and (4);

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

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

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

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

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

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

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

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

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

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

391 (d) contain an officer involved critical incident as defined in Subsection

392 76-2-408(1)(f); or

393 (e) have been requested for reclassification as a public record by a subject or

394 authorized agent of a subject featured in the recording;

395 (66) a record pertaining to the search process for a president of an institution of higher
396 education described in Section 53B-2-102, except for application materials for a publicly
397 announced finalist;

398 (67) an audio recording that is:

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

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

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

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

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

410 (68) records submitted by or prepared in relation to an applicant seeking a
411 recommendation by the Research and General Counsel Subcommittee, the Budget
412 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
413 employment position with the Legislature;

414 (69) work papers as defined in Section 31A-2-204;

415 (70) a record made available to Adult Protective Services or a law enforcement agency
416 under Section 61-1-206;

417 (71) a record submitted to the Insurance Department in accordance with Section
418 31A-37-201;

419 (72) a record described in Section 31A-37-503;

420 (73) any record created by the Division of Occupational and Professional Licensing as
421 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

422 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
423 involving an amusement ride;

424 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
425 on a political petition, or on a request to withdraw a signature from a political petition,
426 including a petition or request described in the following titles:

427 (a) Title 10, Utah Municipal Code;

428 (b) Title 17, Counties;

429 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

430 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

431 (e) Title 20A, Election Code;

432 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
433 a voter registration record;

434 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
435 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
436 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

437 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
438 5, Victims Guidelines for Prosecutors Act;

439 (79) a record submitted to the Insurance Department under Subsection
440 31A-48-103(1)(b);

441 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
442 prohibited under Section 63G-26-103;

443 (81) (a) an image taken of an individual during the process of booking the individual
444 into jail, unless:

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

447 (ii) a law enforcement agency releases or disseminates the image after determining
448 that:

449 (A) the individual is a fugitive or an imminent threat to an individual or to public

450 safety; and

451 (B) releasing or disseminating the image will assist in apprehending the individual or
452 reducing or eliminating the threat; or

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

455 (82) a record:

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

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

459 [63M-14-205](#); and

460 (c) the disclosure of which would:

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

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

466 (iii) give an advantage to another state or to the federal government in negotiations
467 regarding the use of water in the Colorado River system; [~~and~~]

468 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
469 Office of Economic Opportunity determines is nonpublic, confidential information that if
470 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
471 not be used to restrict access to a record evidencing a final contract or approval decision[~~;~~]; and

472 (84) the following records of a drinking water or wastewater facility:

473 (a) an engineering or architectural drawing of the drinking water or wastewater facility;

474 and

475 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
476 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
477 in Subsection (84)(a).

