

GOVERNMENT RECORDS ACCESS REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill addresses access to certain government records.

Highlighted Provisions:

This bill:

▶ exempts certain records related to a governmental entity's security measures from the Government Records Access and Management Act (GRAMA);

▶ classifies certain drinking water and wastewater data as a protected record under GRAMA; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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:



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) employee safety training materials;

41 (f) results of, or data collected from, a public entity's risk assessment or security audit;

42 and

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

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

46 **63G-2-305. Protected records.**

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

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

50 (2) commercial information or nonindividual financial information obtained from a
51 person if:

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

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

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

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

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

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

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

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

75 (i) an invitation for bids;

76 (ii) a request for proposals;

77 (iii) a request for quotes;

78 (iv) a grant; or

79 (v) other similar document; or

80 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement

121 proceedings;

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

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

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

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

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

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

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

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

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

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

150 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
151 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,

152 quasi-judicial, or administrative proceeding;

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

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

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

159 (A) members of a legislative body;

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

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

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

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

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

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

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

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

177 (a) collective bargaining; or

178 (b) imminent or pending litigation;

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

182 (25) records, other than personnel evaluations, that contain a personal recommendation

183 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
184 personal privacy, or disclosure is not in the public interest;

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

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

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

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

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

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

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

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

212 (34) memoranda prepared by staff and used in the decision-making process by an
213 administrative law judge, a member of the Board of Pardons and Parole, or a member of any

214 other body charged by law with performing a quasi-judicial function;

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

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

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

227 (a) the donor requests anonymity in writing;

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

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

235 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
236 73-18-13;

237 (39) a notification of workers' compensation insurance coverage described in Section
238 34A-2-205;

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

242 (i) unpublished lecture notes;

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

244 (A) relating to research; and

245 (B) of:

246 (I) the institution within the state system of higher education defined in Section

247 53B-1-102; or

248 (II) a sponsor of sponsored research;

249 (iii) unpublished manuscripts;

250 (iv) creative works in process;

251 (v) scholarly correspondence; and

252 (vi) confidential information contained in research proposals;

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

254 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

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

256 (41) (a) records in the custody or control of the Office of the Legislative Auditor

257 General that would reveal the name of a particular legislator who requests a legislative audit

258 prior to the date that audit is completed and made public; and

259 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

260 Office of the Legislative Auditor General is a public document unless the legislator asks that

261 the records in the custody or control of the Office of the Legislative Auditor General that would

262 reveal the name of a particular legislator who requests a legislative audit be maintained as

263 protected records until the audit is completed and made public;

264 (42) records that provide detail as to the location of an explosive, including a map or

265 other document that indicates the location of:

266 (a) a production facility; or

267 (b) a magazine;

268 (43) information:

269 (a) contained in the statewide database of the Division of Aging and Adult Services

270 created by Section 62A-3-311.1; or

271 (b) received or maintained in relation to the Identity Theft Reporting Information

272 System (IRIS) established under Section 67-5-22;

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

274 62A, Chapter 4a, Child and Family Services;

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

276 National Guard's federal mission;

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

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

282 (48) except to the extent that the record is exempt from this chapter pursuant to Section
283 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
284 prepared or maintained by the Division of Emergency Management, and the disclosure of
285 which would jeopardize:

286 (a) the safety of the general public; or
287 (b) the security of:

288 (i) governmental property;
289 (ii) governmental programs; or
290 (iii) the property of a private person who provides the Division of Emergency
291 Management information;

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

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

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

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

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

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

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

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

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

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

314 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
315 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),
316 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

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

318 (c) a notice of intent to gather signatures for candidacy, described in Section
319 [20A-9-408](#);

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

322 (a) conducted within the state system of higher education, as defined in Section
323 [53B-1-102](#); and

324 (b) conducted using animals;

325 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
326 Evaluation Commission concerning an individual commissioner's vote on whether or not to
327 recommend that the voters retain a judge including information disclosed under Subsection
328 [78A-12-203\(5\)\(e\)](#);

329 (55) information collected and a report prepared by the Judicial Performance
330 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
331 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
332 the information or report;

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

335 (57) information requested by and provided to the 911 Division under Section
336 [63H-7a-302](#);

337 (58) in accordance with Section [73-10-33](#):

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

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

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

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

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

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

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

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

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

366 (61) information provided to the Department of Health or the Division of Occupational
367 and Professional Licensing under Subsections [58-67-304](#)(3) and (4) and Subsections
368 [58-68-304](#)(3) and (4);

- 369 (62) a record described in Section 63G-12-210;
- 370 (63) captured plate data that is obtained through an automatic license plate reader
371 system used by a governmental entity as authorized in Section 41-6a-2003;
- 372 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
373 victim, including:
- 374 (a) a victim's application or request for benefits;
- 375 (b) a victim's receipt or denial of benefits; and
- 376 (c) any administrative notes or records made or created for the purpose of, or used to,
377 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
378 Reparations Fund;
- 379 (65) an audio or video recording created by a body-worn camera, as that term is
380 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
381 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
382 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
383 that term is defined in Section 62A-2-101, except for recordings that:
- 384 (a) depict the commission of an alleged crime;
- 385 (b) record any encounter between a law enforcement officer and a person that results in
386 death or bodily injury, or includes an instance when an officer fires a weapon;
- 387 (c) record any encounter that is the subject of a complaint or a legal proceeding against
388 a law enforcement officer or law enforcement agency;
- 389 (d) contain an officer involved critical incident as defined in Subsection
390 76-2-408(1)(f); or
- 391 (e) have been requested for reclassification as a public record by a subject or
392 authorized agent of a subject featured in the recording;
- 393 (66) a record pertaining to the search process for a president of an institution of higher
394 education described in Section 53B-2-102, except for application materials for a publicly
395 announced finalist;
- 396 (67) an audio recording that is:
- 397 (a) produced by an audio recording device that is used in conjunction with a device or
398 piece of equipment designed or intended for resuscitating an individual or for treating an
399 individual with a life-threatening condition;

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

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

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

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

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

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

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

415 (71) a record submitted to the Insurance Department in accordance with Section
416 31A-37-201;

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

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

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

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

425 (a) Title 10, Utah Municipal Code;

426 (b) Title 17, Counties;

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

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

429 (e) Title 20A, Election Code;

430 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in

431 a voter registration record;

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

435 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
436 5, Victims Guidelines for Prosecutors Act;

437 (79) a record submitted to the Insurance Department under Subsection
438 31A-48-103(1)(b);

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

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

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

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

447 (A) the individual is a fugitive or an imminent threat to an individual or to public
448 safety; and

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

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

453 (82) a record:

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

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

457 63M-14-205; and

458 (c) the disclosure of which would:

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

461 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to

462 negotiate the best terms and conditions regarding the use of water in the Colorado River
463 system; or

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

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

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

471 (a) an engineering or architectural drawing of the drinking water or wastewater facility
472 or system;

473 (b) Geographic Information System data or maps; and

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