

Stephanie Gricius proposes the following substitute bill:

Government Records and Information Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill addresses access to, and disclosure of, certain government information and records.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions regarding the disclosure of voter history information;
- classifies certain voter history information as private and addresses disclosure of the information;
- prohibits a government officer from accessing or using government records or information in a manner that is not related to a duty of the government officer;
- prohibits a government officer from accessing or using government records or information for a primarily personal purpose, unless the government officer gains access to the records or information in the same manner as a member of the public;
- makes it a crime to intentionally violate the provisions described in the preceding paragraph; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-5-410, as last amended by Laws of Utah 2022, Chapter 248

63G-2-202, as last amended by Laws of Utah 2024, Chapter 288

63G-2-301, as last amended by Laws of Utah 2020, Chapters 255, 399

29 63G-2-302, as last amended by Laws of Utah 2024, Chapter 234

30 63G-2-801, as last amended by Laws of Utah 2019, Chapter 254

31 ENACTS:

32 63G-2-210, Utah Code Annotated 1953



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

35 Section 1. Section 20A-5-410 is amended to read:

36 20A-5-410 . Election officer to provide voting history information and status --

37 **Restrictions.**

38 (1) As used in this section, "voting history record" means the following information [~~about~~
39 ~~the existence and status of absentee ballot requests required by this section.~~] relating to a
40 registered voter:

41 (a) the information in the voter's voter registration record, other than the information
42 classified as private under Subsection 63G-2-302(1)(j);

43 (b) the voter's privacy status;

44 (c) the voter's status as active or inactive;

45 (d) the voter's voter identification number;

46 (e) the voter's federal information processing system code;

47 (f) the voter's precinct;

48 (g) each political district in which the voter is a resident;

49 (h) a list of elections in which the voter voted;

50 (i) whether the voter voted in person on election day;

51 (j) whether the voter voted in person before election day;

52 (k) whether the voter returned a mailed ballot;

53 (l) whether the voter's ballot was mailed to an alternate address; and

54 (m) except to the extent required under Subsection (1)(i), the date on which the voter
55 voted or on which the voter returned a mailed ballot.

56 (2)(a) Each election officer shall maintain, in the election officer's office, a voting
57 history record of those voters registered to vote in the election officer's jurisdiction.

58 (b) Except as it relates to a voter whose voter registration record is classified as private
59 under Subsection 63G-2-302(1)(k) or (l), and except as provided in Subsection (2)(c),
60 the voting history record is a public record under Title 63G, Chapter 2, Government
61 Records Access and Management Act.

62 (c) The information described in Subsection (1)(m) is private and may only be disclosed:

- 63 (i) to a registered political party; or
 64 (ii) in accordance with Subsection 63G-2-202(1).
- 65 (d) The following information is a private record and may not be disclosed, except to the
 66 extent that a private record may be disclosed in accordance with Subsection
 67 63G-2-202(1):
- 68 (i) the method by which a voter returned a mailed ballot; or
 69 (ii) whether the voter paid postage on a ballot returned by mail.
- 70 (3)(a) When an election officer reports voting history for an election, the election officer
 71 shall, for each voter whose voter registration is classified as private under Subsection
 72 20A-2-104(4)(h), report the following, for that election only, without disclosing the
 73 identity of the voter:
- 74 (i) for voting by mail, the information described in Subsection (4)(a);
 75 (ii) for early voting, the date the individual voted; and
 76 (iii) for voting on election day, the date the individual voted.
- 77 (b) In relation to the information of a voter whose voter registration is classified as
 78 private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a)
 79 may not disclose, by itself or in conjunction with any other public information, the
 80 identity or any other personal identifying information of the voter.
- 81 (4) [The] Subject to Subsection (5), the election officer shall ensure that the voting history
 82 record kept by the election officer for each voting precinct contains:
- 83 (a) for voting by mail:
- 84 (i) the date that the manual ballot was mailed to the voter; and
 85 (ii) the date that the voted manual ballot was received by the election officer;
- 86 (b) for early voting:
- 87 (i) the name and address of each individual who participated in early voting; and
 88 (ii) the date the individual voted; and
- 89 (c) for voting on election day, the name and address of each individual who voted on
 90 election day.
- 91 (5) Subsection (4) does not authorize the disclosure of the information described in
 92 Subsection (4) beyond the extent expressly provided in Subsections (2) and (3).
- 93 ~~[(5)]~~ (6)(a) Notwithstanding the time limits for response to a request for records under
 94 Section 63G-2-204 or the time limits for a request for records established in any
 95 ordinance, the election officer shall ensure that the information required ~~[by]~~ to be
 96 disclosed under this section is recorded and made available ~~[to the public]~~ no later

97 than one business day after [its receipt in the election officer's office] the day on
 98 which the election officer receives the information.

99 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements
 100 established in any ordinance, the election officer shall make copies of the voting
 101 history record available[~~to the public~~] , in accordance with this section, for the actual
 102 cost of production or copying.

103 Section 2. Section **63G-2-202** is amended to read:

104 **63G-2-202 . Access to private, controlled, and protected documents.**

105 (1) Except as provided in Subsection (11)(a), a governmental entity:

106 (a) shall, upon request, disclose a private record to:

107 (i) the subject of the record;

108 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the
 109 record;

110 (iii) the legal guardian of a legally incapacitated individual who is the subject of the
 111 record;

112 (iv) any other individual who:

113 (A) has a power of attorney from the subject of the record;

114 (B) submits a notarized release from the subject of the record or the individual's
 115 legal representative dated no more than 90 days before the date the request is
 116 made; or

117 (C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a
 118 health care provider, as defined in Section 26B-8-501, if releasing the record or
 119 information in the record is consistent with normal professional practice and
 120 medical ethics; or

121 (v) any person to whom the record must be provided pursuant to:

122 (A) court order as provided in Subsection (7); or

123 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative
 124 Subpoena Powers; and

125 (b) may disclose a private record described in Subsections 63G-2-302(1)(j) through [~~(m)~~]
 126 (n), without complying with Section 63G-2-206, to another governmental entity for a
 127 purpose related to:

128 (i) voter registration; or

129 (ii) the administration of an election.

130 (2)(a) Upon request, a governmental entity shall disclose a controlled record to:

- 131 (i) a physician, physician assistant, psychologist, certified social worker, insurance
132 provider or producer, or a government public health agency upon submission of:
133 (A) a release from the subject of the record that is dated no more than 90 days
134 prior to the date the request is made; and
135 (B) a signed acknowledgment of the terms of disclosure of controlled information
136 as provided by Subsection (2)(b); and
137 (ii) any person to whom the record must be disclosed pursuant to:
138 (A) a court order as provided in Subsection (7); or
139 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative
140 Subpoena Powers.
- 141 (b) A person who receives a record from a governmental entity in accordance with
142 Subsection (2)(a)(i) may not disclose controlled information from that record to any
143 person, including the subject of the record.
- 144 (3) If there is more than one subject of a private or controlled record, the portion of the
145 record that pertains to another subject shall be segregated from the portion that the
146 requester is entitled to inspect.
- 147 (4) Upon request, and except as provided in Subsection (11)(b), a governmental entity shall
148 disclose a protected record to:
149 (a) the person that submitted the record;
150 (b) any other individual who:
151 (i) has a power of attorney from all persons, governmental entities, or political
152 subdivisions whose interests were sought to be protected by the protected
153 classification; or
154 (ii) submits a notarized release from all persons, governmental entities, or political
155 subdivisions whose interests were sought to be protected by the protected
156 classification or from their legal representatives dated no more than 90 days prior
157 to the date the request is made;
- 158 (c) any person to whom the record must be provided pursuant to:
159 (i) a court order as provided in Subsection (7); or
160 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
161 Powers; or
162 (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116
163 (5).
- 164 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a private,

- 165 controlled, or protected record to another governmental entity, political subdivision,
166 state, the United States, or a foreign government only as provided by Section 63G-2-206.
- 167 (6) Before releasing a private, controlled, or protected record, the governmental entity shall
168 obtain evidence of the requester's identity.
- 169 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
170 signed by a judge from a court of competent jurisdiction, provided that:
- 171 (a) the record deals with a matter in controversy over which the court has jurisdiction;
172 (b) the court has considered the merits of the request for access to the record;
173 (c) the court has considered and, where appropriate, limited the requester's use and
174 further disclosure of the record in order to protect:
- 175 (i) privacy interests in the case of private or controlled records;
176 (ii) business confidentiality interests in the case of records protected under
177 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
178 (iii) privacy interests or the public interest in the case of other protected records;
179 (d) to the extent the record is properly classified private, controlled, or protected, the
180 interests favoring access, considering limitations thereon, are greater than or equal to
181 the interests favoring restriction of access; and
182 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
183 63G-2-201(3)(b), the court has authority independent of this chapter to order
184 disclosure.
- 185 (8)(a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
186 authorize disclosure of private or controlled records for research purposes if the
187 governmental entity:
- 188 (i) determines that the research purpose cannot reasonably be accomplished without
189 use or disclosure of the information to the researcher in individually identifiable
190 form;
191 (ii) determines that:
- 192 (A) the proposed research is bona fide; and
193 (B) the value of the research is greater than or equal to the infringement upon
194 personal privacy;
195 (iii)(A) requires the researcher to assure the integrity, confidentiality, and security
196 of the records; and
197 (B) requires the removal or destruction of the individual identifiers associated
198 with the records as soon as the purpose of the research project has been

- 199 accomplished;
- 200 (iv) prohibits the researcher from:
- 201 (A) disclosing the record in individually identifiable form, except as provided in
- 202 Subsection (8)(b); or
- 203 (B) using the record for purposes other than the research approved by the
- 204 governmental entity; and
- 205 (v) secures from the researcher a written statement of the researcher's understanding
- 206 of and agreement to the conditions of this Subsection (8) and the researcher's
- 207 understanding that violation of the terms of this Subsection (8) may subject the
- 208 researcher to criminal prosecution under Section 63G-2-801.
- 209 (b) A researcher may disclose a record in individually identifiable form if the record is
- 210 disclosed for the purpose of auditing or evaluating the research program and no
- 211 subsequent use or disclosure of the record in individually identifiable form will be
- 212 made by the auditor or evaluator except as provided by this section.
- 213 (c) A governmental entity may require indemnification as a condition of permitting
- 214 research under this Subsection (8).
- 215 (d) A governmental entity may not disclose or authorize disclosure of a private record
- 216 for research purposes as described in this Subsection (8) if the private record is a
- 217 record described in Subsection [~~63G-2-302(1)(w)~~] 63G-2-302(1)(x).
- 218 (9)(a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
- 219 may disclose to persons other than those specified in this section records that are:
- 220 (i) private under Section 63G-2-302; or
- 221 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
- 222 business confidentiality has been made under Section 63G-2-309.
- 223 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the
- 224 disclosure to persons other than those specified in this section of records that are:
- 225 (i) private under Section 63G-2-302;
- 226 (ii) controlled under Section 63G-2-304; or
- 227 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
- 228 business confidentiality has been made under Section 63G-2-309.
- 229 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records that
- 230 are private under Section 63G-2-302, controlled under Section 63G-2-304, or
- 231 protected under Section 63G-2-305 to persons other than those specified in this
- 232 section.

233 (10)(a) A private record described in Subsection 63G-2-302(2)(f) may only be disclosed
 234 as provided in Subsection (1)(a)(v).

235 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed as
 236 provided in Subsection (4)(c) or Section 26B-6-212.

237 (11)(a) A private, protected, or controlled record described in Section 26B-1-506 shall
 238 be disclosed as required under:

239 (i) Subsections 26B-1-506(1)(b) and (2); and

240 (ii) Subsections 26B-1-507(1) and (6).

241 (b) A record disclosed under Subsection (11)(a) shall retain its character as private,
 242 protected, or controlled.

243 Section 3. Section **63G-2-210** is enacted to read:

244 **63G-2-210 . Access to and use of government information by a government**
 245 **officer.**

246 (1) As used in this section:

247 (a) "Government information" means:

248 (i) any of the following that are in the custody or control of a governmental entity:

249 (A) a record, regardless of whether the record is classified as public, private,
 250 protected, or controlled, or whether the information is exempt from disclosure
 251 under Subsection 63G-2-201(3)(b); or

252 (B) data or information that is not a record; or

253 (ii) any of the following to which a governmental entity has access that is not
 254 available to the general public, or that is not accessible by the general public using
 255 the same method as the governmental entity:

256 (A) a record, regardless of whether the record is classified as public, private,
 257 protected, controlled, or whether the information is exempt from disclosure
 258 under Subsection 63G-2-201(3)(b); or

259 (B) data or information that is not a record.

260 (b) "Government officer" means:

261 (i) an elected official; or

262 (ii) an officer, employee, volunteer, or agent of a governmental entity.

263 (2) Except as provided in Subsection (3), a government officer who, due to the government
 264 officer's position as a government officer, has access to government information may not
 265 access, use, copy, or release the information except to the extent that the access, use,
 266 copying, or release:

- 267 (a) is reasonably related to a duty of the government officer;
 268 (b) is in accordance with the requirements of law; and
 269 (c) is not done for a primarily personal purpose, including:
 270 (i) a political purpose; or
 271 (ii) a purpose relating to the government officer's private business, hobbies, or
 272 personal interests.
- 273 (3) Subsection (2) does not prevent a government officer from accessing, using, copying, or
 274 releasing government information in the same manner available to a member of the
 275 general public, including filing a record request under Section 63G-2-204.

276 Section 4. Section **63G-2-301** is amended to read:

277 **63G-2-301 . Public records.**

- 278 (1) As used in this section:
- 279 (a) "Business address" means a single address of a governmental agency designated for
 280 the public to contact an employee or officer of the governmental agency.
- 281 (b) "Business email address" means a single email address of a governmental agency
 282 designated for the public to contact an employee or officer of the governmental
 283 agency.
- 284 (c) "Business telephone number" means a single telephone number of a governmental
 285 agency designated for the public to contact an employee or officer of the
 286 governmental agency.
- 287 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 288 (2) The following records are public except to the extent they contain information expressly
 289 permitted to be treated confidentially under the provisions of Subsections
 290 63G-2-201(3)(b) and (6)(a):
- 291 (a) laws;
- 292 (b) the name, gender, gross compensation, job title, job description, business address,
 293 business email address, business telephone number, number of hours worked per pay
 294 period, dates of employment, and relevant education, previous employment, and
 295 similar job qualifications of a current or former employee or officer of the
 296 governmental entity, excluding:
- 297 (i) undercover law enforcement personnel; and
 298 (ii) investigative personnel if disclosure could reasonably be expected to impair the
 299 effectiveness of investigations or endanger any individual's safety;
- 300 (c) final opinions, including concurring and dissenting opinions, and orders that are

- 301 made by a governmental entity in an administrative, adjudicative, or judicial
302 proceeding except that if the proceedings were properly closed to the public, the
303 opinion and order may be withheld to the extent that they contain information that is
304 private, controlled, or protected;
- 305 (d) final interpretations of statutes or rules by a governmental entity unless classified as
306 protected as provided in Subsection 63G-2-305(17) or (18);
- 307 (e) information contained in or compiled from a transcript, minutes, or report of the open
308 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
309 Open and Public Meetings Act, including the records of all votes of each member of
310 the governmental entity;
- 311 (f) judicial records unless a court orders the records to be restricted under the rules of
312 civil or criminal procedure or unless the records are private under this chapter;
- 313 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
314 records filed with or maintained by county recorders, clerks, treasurers, surveyors,
315 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
316 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the
317 Division of Water Rights, or other governmental entities that give public notice of:
- 318 (i) titles or encumbrances to real property;
- 319 (ii) restrictions on the use of real property;
- 320 (iii) the capacity of persons to take or convey title to real property; or
- 321 (iv) tax status for real and personal property;
- 322 (h) records of the Department of Commerce that evidence incorporations, mergers, name
323 changes, and uniform commercial code filings;
- 324 (i) data on individuals that would otherwise be private under this chapter if the
325 individual who is the subject of the record has given the governmental entity written
326 permission to make the records available to the public;
- 327 (j) documentation of the compensation that a governmental entity pays to a contractor or
328 private provider;
- 329 (k) summary data;
- 330 (l) voter registration records, including an individual's voting history, except for a voter
331 registration record or those parts of a voter registration record that are classified as
332 private under Subsections 63G-2-302(1)(j) through [~~m~~] (n) or withheld under
333 Subsection 20A-2-104(7);
- 334 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if

- 335 available, and email address, if available, where that elected official may be reached
336 as required in Title 11, Chapter 47, Access to Elected Officials;
- 337 (n) for a school community council member, a telephone number, if available, and email
338 address, if available, where that elected official may be reached directly as required
339 in Section 53G-7-1203;
- 340 (o) annual audited financial statements of the Utah Educational Savings Plan described
341 in Section 53B-8a-111; and
- 342 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
343 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 344 (3) The following records are normally public, but to the extent that a record is expressly
345 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
346 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 347 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 348 (b) records documenting a contractor's or private provider's compliance with the terms
349 of a contract with a governmental entity;
- 350 (c) records documenting the services provided by a contractor or a private provider to
351 the extent the records would be public if prepared by the governmental entity;
- 352 (d) contracts entered into by a governmental entity;
- 353 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
354 by a governmental entity;
- 355 (f) records relating to government assistance or incentives publicly disclosed, contracted
356 for, or given by a governmental entity, encouraging a person to expand or relocate a
357 business in Utah, except as provided in Subsection 63G-2-305(35);
- 358 (g) chronological logs and initial contact reports;
- 359 (h) correspondence by and with a governmental entity in which the governmental entity
360 determines or states an opinion upon the rights of the state, a political subdivision,
361 the public, or any person;
- 362 (i) empirical data contained in drafts if:
- 363 (i) the empirical data is not reasonably available to the requester elsewhere in similar
364 form; and
- 365 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
366 make nonsubstantive changes before release;
- 367 (j) drafts that are circulated to anyone other than:
- 368 (i) a governmental entity;

- 369 (ii) a political subdivision;
- 370 (iii) a federal agency if the governmental entity and the federal agency are jointly
371 responsible for implementation of a program or project that has been legislatively
372 approved;
- 373 (iv) a government-managed corporation; or
- 374 (v) a contractor or private provider;
- 375 (k) drafts that have never been finalized but were relied upon by the governmental entity
376 in carrying out action or policy;
- 377 (l) original data in a computer program if the governmental entity chooses not to
378 disclose the program;
- 379 (m) arrest warrants after issuance, except that, for good cause, a court may order
380 restricted access to arrest warrants prior to service;
- 381 (n) search warrants after execution and filing of the return, except that a court, for good
382 cause, may order restricted access to search warrants prior to trial;
- 383 (o) records that would disclose information relating to formal charges or disciplinary
384 actions against a past or present governmental entity employee if:
- 385 (i) the disciplinary action has been completed and all time periods for administrative
386 appeal have expired; and
- 387 (ii) the charges on which the disciplinary action was based were sustained;
- 388 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
389 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
390 evidence mineral production on government lands;
- 391 (q) final audit reports;
- 392 (r) occupational and professional licenses;
- 393 (s) business licenses;
- 394 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
395 records used to initiate proceedings for discipline or sanctions against persons
396 regulated by a governmental entity, but not including records that initiate employee
397 discipline; and
- 398 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
399 the operation of a correctional facility or the care and control of inmates
400 committed to the custody of a correctional facility; and
- 401 (ii) records that disclose the results of an audit or other inspection assessing a
402 correctional facility's compliance with a standard, regulation, policy, guideline, or

403 rule described in Subsection (3)(u)(i).

404 (4) The list of public records in this section is not exhaustive and should not be used to limit
405 access to records.

406 Section 5. Section **63G-2-302** is amended to read:

407 **63G-2-302 . Private records.**

408 (1) The following records are private:

409 (a) records concerning an individual's eligibility for unemployment insurance benefits,
410 social services, welfare benefits, or the determination of benefit levels;

411 (b) records containing data on individuals describing medical history, diagnosis,
412 condition, treatment, evaluation, or similar medical data;

413 (c) records of publicly funded libraries that when examined alone or with other records
414 identify a patron;

415 (d) records received by or generated by or for:

416 (i) the Independent Legislative Ethics Commission, except for:

417 (A) the commission's summary data report that is required under legislative rule;
418 and

419 (B) any other document that is classified as public under legislative rule; or

420 (ii) a Senate or House Ethics Committee in relation to the review of ethics
421 complaints, unless the record is classified as public under legislative rule;

422 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
423 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
424 Review of Executive Branch Ethics Complaints;

425 (f) records received or generated for a Senate confirmation committee concerning
426 character, professional competence, or physical or mental health of an individual:

427 (i) if, prior to the meeting, the chair of the committee determines release of the
428 records:

429 (A) reasonably could be expected to interfere with the investigation undertaken by
430 the committee; or

431 (B) would create a danger of depriving a person of a right to a fair proceeding or
432 impartial hearing; and

433 (ii) after the meeting, if the meeting was closed to the public;

434 (g) employment records concerning a current or former employee of, or applicant for
435 employment with, a governmental entity that would disclose that individual's home

436 address, home telephone number, social security number, insurance coverage, marital

- 437 status, or payroll deductions;
- 438 (h) records or parts of records under Section 63G-2-303 that a current or former
439 employee identifies as private according to the requirements of that section;
- 440 (i) that part of a record indicating a person's social security number or federal employer
441 identification number if provided under Section 31A-23a-104, 31A-25-202,
442 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 443 (j) that part of a voter registration record identifying a voter's:
444 (i) driver license or identification card number;
445 (ii) social security number, or last four digits of the social security number;
446 (iii) email address;
447 (iv) date of birth; or
448 (v) phone number;
- 449 (k) a voter registration record that is classified as a private record by the lieutenant
450 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
451 20A-2-204(4)(b);
- 452 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 453 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
454 verification submitted in support of the form;
- 455 (n) the voter history information described in Subsections 20A-5-410(1)(m) and (2)(d);
- 456 ~~[(n)]~~ (o) a record that:
457 (i) contains information about an individual;
458 (ii) is voluntarily provided by the individual; and
459 (iii) goes into an electronic database that:
460 (A) is designated by and administered under the authority of the Chief Information
461 Officer; and
462 (B) acts as a repository of information about the individual that can be
463 electronically retrieved and used to facilitate the individual's online interaction
464 with a state agency;
- 465 ~~[(o)]~~ (p) information provided to the Commissioner of Insurance under:
466 (i) Subsection 31A-23a-115(3)(a);
467 (ii) Subsection 31A-23a-302(4); or
468 (iii) Subsection 31A-26-210(4);
- 469 ~~[(p)]~~ (q) information obtained through a criminal background check under Title 11,
470 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water

471 Systems;

472 ~~[(q)]~~ (r) information provided by an offender that is:

473 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and

474 Child Abuse Offender Registry; and

475 (ii) not required to be made available to the public under Subsection 77-41-110(4);

476 ~~[(t)]~~ (s) a statement and any supporting documentation filed with the attorney general in

477 accordance with Section 34-45-107, if the federal law or action supporting the filing

478 involves homeland security;

479 ~~[(s)]~~ (t) electronic toll collection customer account information received or collected

480 under Section 72-6-118 and customer information described in Section 17B-2a-815

481 received or collected by a public transit district, including contact and payment

482 information and customer travel data;

483 ~~[(t)]~~ (u) an email address provided by a military or overseas voter under Section

484 20A-16-501;

485 ~~[(u)]~~ (v) a completed military-overseas ballot that is electronically transmitted under Title

486 20A, Chapter 16, Uniform Military and Overseas Voters Act;

487 ~~[(v)]~~ (w) records received by or generated by or for the Political Subdivisions Ethics

488 Review Commission established in Section 63A-15-201, except for:

489 (i) the commission's summary data report that is required in Section 63A-15-202; and

490 (ii) any other document that is classified as public in accordance with Title 63A,

491 Chapter 15, Political Subdivisions Ethics Review Commission;

492 ~~[(w)]~~ (x) a record described in Section 53G-9-604 that verifies that a parent was notified

493 of an incident or threat;

494 ~~[(x)]~~ (y) a criminal background check or credit history report conducted in accordance

495 with Section 63A-3-201;

496 ~~[(y)]~~ (z) a record described in Subsection 53-5a-104(7);

497 ~~[(z)]~~ (aa) on a record maintained by a county for the purpose of administering property

498 taxes, an individual's:

499 (i) email address;

500 (ii) phone number; or

501 (iii) personal financial information related to a person's payment method;

502 ~~[(aa)]~~ (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an

503 exemption, deferral, abatement, or relief under:

504 (i) Title 59, Chapter 2, Part 11, Exemptions;

- 505 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 506 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 507 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 508 ~~[(bb)]~~ (cc) a record provided by the State Tax Commission in response to a request under
- 509 Subsection 59-1-403(4)(y)(iii);
- 510 ~~[(ee)]~~ (dd) a record of the Child Welfare Legislative Oversight Panel regarding an
- 511 individual child welfare case, as described in Subsection 36-33-103(3);~~and]~~
- 512 ~~[(dd)]~~ (ee) a record relating to drug or alcohol testing of a state employee under Section
- 513 63A-17-1004;
- 514 ~~[(ee)]~~ (ff) a record relating to a request by a state elected official or state employee who
- 515 has been threatened to the Division of Technology Services to remove personal
- 516 identifying information from the open web under Section 63A-16-109; and
- 517 ~~[(ff)]~~ (gg) a record including confidential information as that term is defined in Section
- 518 67-27-105.
- 519 (2) The following records are private if properly classified by a governmental entity:
- 520 (a) records concerning a current or former employee of, or applicant for employment
- 521 with a governmental entity, including performance evaluations and personal status
- 522 information such as race, religion, or disabilities, but not including records that are
- 523 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
- 524 Subsection (1)(b);
- 525 (b) records describing an individual's finances, except that the following are public:
- 526 (i) records described in Subsection 63G-2-301(2);
- 527 (ii) information provided to the governmental entity for the purpose of complying
- 528 with a financial assurance requirement; or
- 529 (iii) records that must be disclosed in accordance with another statute;
- 530 (c) records of independent state agencies if the disclosure of those records would
- 531 conflict with the fiduciary obligations of the agency;
- 532 (d) other records containing data on individuals the disclosure of which constitutes a
- 533 clearly unwarranted invasion of personal privacy;
- 534 (e) records provided by the United States or by a government entity outside the state that
- 535 are given with the requirement that the records be managed as private records, if the
- 536 providing entity states in writing that the record would not be subject to public
- 537 disclosure if retained by it;
- 538 (f) any portion of a record in the custody of the Division of Aging and Adult Services,

539 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
 540 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
 541 vulnerable adult; and

542 (g) audio and video recordings created by a body-worn camera, as defined in Section
 543 77-7a-103, that record sound or images inside a home or residence except for
 544 recordings that:

- 545 (i) depict the commission of an alleged crime;
- 546 (ii) record any encounter between a law enforcement officer and a person that results
 547 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 548 (iii) record any encounter that is the subject of a complaint or a legal proceeding
 549 against a law enforcement officer or law enforcement agency;
- 550 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
 551 (1)(f); or
- 552 (v) have been requested for reclassification as a public record by a subject or
 553 authorized agent of a subject featured in the recording.

554 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 555 statements, history, diagnosis, condition, treatment, and evaluation.

556 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 557 doctors, or affiliated entities are not private records or controlled records under
 558 Section 63G-2-304 when the records are sought:

- 559 (i) in connection with any legal or administrative proceeding in which the patient's
 560 physical, mental, or emotional condition is an element of any claim or defense; or
- 561 (ii) after a patient's death, in any legal or administrative proceeding in which any
 562 party relies upon the condition as an element of the claim or defense.

563 (c) Medical records are subject to production in a legal or administrative proceeding
 564 according to state or federal statutes or rules of procedure and evidence as if the
 565 medical records were in the possession of a nongovernmental medical care provider.

566 Section 6. Section **63G-2-801** is amended to read:

567 **63G-2-801 . Criminal penalties.**

568 (1)(a) A public employee or other person who has lawful access to any private,
 569 controlled, or protected record under this chapter, and who intentionally discloses,
 570 provides a copy of, or improperly uses a private, controlled, or protected record
 571 knowing that the disclosure or use is prohibited under this chapter, is, except as
 572 provided in Subsection 53-5-708(1)(c), guilty of a class B misdemeanor.

- 573 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
574 private, controlled, or protected information in the reasonable belief that the use or
575 disclosure of the information was necessary to expose a violation of law involving
576 government corruption, abuse of office, or misappropriation of public funds or
577 property.
- 578 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
579 lawfully been released to the recipient if it had been properly classified.
- 580 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
581 other person disclosed, provided, or used the record based on a good faith belief that
582 the disclosure, provision, or use was in accordance with the law.
- 583 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
584 copy of any private, controlled, or protected record to which the person is not legally
585 entitled is guilty of a class B misdemeanor.
- 586 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
587 information, or copy after the fact and without prior knowledge of or participation in
588 the false pretenses, bribery, or theft.
- 589 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of
590 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 591 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
592 failure to release the record was based on a good faith belief that the public employee
593 was acting in accordance with the requirements of law.
- 594 (c) A public employee who intentionally refuses to release a record, the disclosure of
595 which the employee knows is required by a final unappealed order from a
596 government entity, the State Records Committee, or a court is guilty of a class B
597 misdemeanor.
- 598 (4) A person who intentionally violates Section 63G-2-210 is guilty of a class B
599 misdemeanor.

600 **Section 7. Effective Date.**

601 This bill takes effect on May 7, 2025.