

Wayne A. Harper proposes the following substitute bill:

Government Records Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to the Government Records Access and Management Act.

Highlighted Provisions:

This bill:

- defines terms;
- requires a summary of government records requirements to be developed and provided to employees of a governmental entity;
- modifies provisions relating to fees charged in relation to a record request;
- modifies requirements for responding to a record request, including:
 - deadlines;
 - a request for an expedited response;
 - appeals; and
 - other requirements;
- modifies provisions relating to the State Records Committee;
- requires a governmental entity to conduct an annual review of records retention requirements and compliance with those requirements;
- amends requirements for an ordinance or policy adopted by a political subdivision in relation to public records;
- makes it a crime to destroy a record with the intent to avoid disclosure in response to a pending record request; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406

33 **20A-11-1205**, as last amended by Laws of Utah 2020, Chapter 22

34 **63G-2-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382

35 **63G-2-103**, as last amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522

36 **63G-2-107**, as last amended by Laws of Utah 2024, Chapters 18, 381

37 **63G-2-201**, as last amended by Laws of Utah 2023, Chapters 173, 516

38 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 128

39 **63G-2-204**, as last amended by Laws of Utah 2023, Chapter 173

40 **63G-2-301**, as last amended by Laws of Utah 2020, Chapters 255, 399

41 **63G-2-400.5**, as last amended by Laws of Utah 2019, Chapters 254, 334

42 **63G-2-401**, as last amended by Laws of Utah 2024, Chapter 407

43 **63G-2-403**, as last amended by Laws of Utah 2024, Chapter 407

44 **63G-2-501**, as last amended by Laws of Utah 2024, Chapter 529

45 **63G-2-502**, as last amended by Laws of Utah 2019, Chapter 254

46 **63G-2-604**, as last amended by Laws of Utah 2023, Chapters 173, 516

47 **63G-2-701**, as last amended by Laws of Utah 2019, Chapter 254

48 **63G-2-801**, as last amended by Laws of Utah 2019, Chapter 254

49 **77-27-5**, as last amended by Laws of Utah 2024, Chapters 145, 187 and 208

50 ENACTS:

51 **63A-12-117**, Utah Code Annotated 1953

52 **63G-2-605**, Utah Code Annotated 1953



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

55 Section 1. Section **20A-2-104** is amended to read:

56 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**

57 (1) As used in this section:

58 (a) "Candidate for public office" means an individual:

59 (i) who files a declaration of candidacy for a public office;

60 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

61 (iii) employed by, under contract with, or a volunteer of, an individual described in

62 Subsection (1)(a)(i) or (ii) for political campaign purposes.

63 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
64 the federal Violence Against Women Act of 1994, as amended.

65 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
66 the federal Violence Against Women Act of 1994, as amended.

67 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
68 produce a code that:

69 (i) uniquely represents the set of data;

70 (ii) is always the same if the same algorithm is applied to the same set of data; and

71 (iii) cannot be reversed to reveal the data applied to the algorithm.

72 (e) "Protected individual" means an individual:

73 (i) who submits a withholding request form with the individual's voter registration
74 record, or to the lieutenant governor or a county clerk, if the individual indicates
75 on the form that the individual, or an individual who resides with the individual, is
76 a victim of domestic violence or dating violence or is likely to be a victim of
77 domestic violence or dating violence;

78 (ii) who submits a withholding request form with the individual's voter registration
79 record, or to the lieutenant governor or a county clerk, if the individual indicates
80 on the form and provides verification that the individual, or an individual who
81 resides with the individual, is a law enforcement officer, a member of the armed
82 forces as defined in Section 20A-1-513, a public figure, or protected by a
83 protective order or protection order; or

84 (iii) whose voter registration record was classified as a private record at the request of
85 the individual before May 12, 2020.

86 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,
87 shall complete a voter registration form in substantially the following form:-----

88

UTAH ELECTION REGISTRATION FORM

90 Are you a citizen of the United States of America? Yes No

91 If you checked "no" to the above question, do not complete this form.

92 Will you be 18 years of age on or before election day? Yes No

93 If you checked "no" to the above question, are you 16 or 17 years of age and

94 preregistering to

vote? Yes No

95 If you checked "no" to both of the prior two questions, do not complete this form.

96 Name of Voter

97 _____

98 First Middle Last

99 Utah Driver License or Utah Identification Card

100 Number _____

101 Date of Birth _____

102 Street Address of Principal Place of Residence

103 _____

104 City County State Zip Code

105 Telephone Number (optional) _____

106 Email Address (optional) _____

107 Last four digits of Social Security Number _____

108 Last former address at which I was registered to vote (if

109 known) _____

110 _____

111 City County State Zip Code

112 Political Party

113 (a listing of each registered political party, as defined in Section 20A-8-101 and

114 maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded

115 by a checkbox)

116 Unaffiliated (no political party preference) Other (Please

117 specify) _____

118 I do swear (or affirm), subject to penalty of law for false statements, that the information

119 contained in this form is true, and that I am a citizen of the United States and a resident of the

120 state of Utah, residing at the above address. Unless I have indicated above that I am

121 preregistering to vote in a later election, I will be at least 18 years of age and will have resided

122 in Utah for 30 days immediately before the next election. I am not a convicted felon currently

123 incarcerated for commission of a felony.

124 Signed and sworn

125 _____

126 Voter's Signature _____ (month/day/year).

127 **PRIVACY INFORMATION**

128 Voter registration records contain some information that is available to the public, such

129 as your name and address, some information that is available only to government entities, and

130 some information that is available only to certain third parties in accordance with the

131 requirements of law.

132 Your driver license number, identification card number, social security number, email
133 address, full date of birth, and phone number are available only to government entities. Your
134 year of birth is available to political parties, candidates for public office, certain third parties,
135 and their contractors, employees, and volunteers, in accordance with the requirements of law.

136 You may request that all information on your voter registration records be withheld from
137 all persons other than government entities, political parties, candidates for public office, and
138 their contractors, employees, and volunteers, by indicating here:

139 _____ Yes, I request that all information on my voter registration records be withheld
140 from all persons other than government entities, political parties, candidates for public office,
141 and their contractors, employees, and volunteers.

142 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

143 In addition to the protections provided above, you may request that identifying
144 information on your voter registration records be withheld from all political parties, candidates
145 for public office, and their contractors, employees, and volunteers, by submitting a
146 withholding request form, and any required verification, as described in the following
147 paragraphs.

148 A person may request that identifying information on the person's voter registration
149 records be withheld from all political parties, candidates for public office, and their
150 contractors, employees, and volunteers, by submitting a withholding request form with this
151 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
152 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
153 violence.

154 A person may request that identifying information on the person's voter registration
155 records be withheld from all political parties, candidates for public office, and their
156 contractors, employees, and volunteers, by submitting a withholding request form and any
157 required verification with this registration form, or to the lieutenant governor or a county clerk,
158 if the person is, or resides with a person who is, a law enforcement officer, a member of the
159 armed forces, a public figure, or protected by a protection order.

160 Name:

161 Name at birth, if different:

162 Place of birth:

163 Date of birth:

164 Date and place of naturalization (if applicable):

166 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
167 citizen and that to the best of my knowledge and belief the information above is true and
168 correct.

169 _____
170 Signature of Applicant

171 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
172 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
173 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

174 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
175 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
176 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
177 PHOTOGRAPH; OR

178 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
179 AND CURRENT ADDRESS.

180 FOR OFFICIAL USE ONLY

181 Type of I.D. _____
182 Voting Precinct _____
183 Voting I.D. Number _____

184 -----
185 (b) The voter registration form described in Subsection (2)(a) shall include a section in
186 ~~substantially the following form:~~-----

188 **BALLOT NOTIFICATIONS**

189 If you have provided a phone number or email address, you can receive notifications by
190 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
191 deposit in the mail or in a ballot drop box, by indicating here:

192 _____ Yes, I would like to receive electronic notifications regarding the status of my
193 ballot.

194 -----

195 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a
196 copy of each voter registration form in a permanent countywide alphabetical file,
197 which may be electronic or some other recognized system.

198 (ii) The county clerk may transfer a superseded voter registration form to the
199 Division of Archives and Records Service created under Section 63A-12-101.

200 (3)(a) Each county clerk shall retain lists of currently registered voters.

- 201 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 202 (c) If there are any discrepancies between the two lists, the county clerk's list is the
203 official list.
- 204 (d) The lieutenant governor and the county clerks may charge the fees established under
205 the authority of Subsection [~~63G-2-203(10)~~] 63G-2-203(11) to individuals who wish
206 to obtain a copy of the list of registered voters.
- 207 (4)(a) As used in this Subsection (4), "qualified person" means:
- 208 (i) a government official or government employee acting in the government official's
209 or government employee's capacity as a government official or a government
210 employee;
- 211 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
212 independent contractor of a health care provider;
- 213 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
214 or independent contractor of an insurance company;
- 215 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
216 independent contractor of a financial institution;
- 217 (v) a political party, or an agent, employee, or independent contractor of a political
218 party;
- 219 (vi) a candidate for public office, or an employee, independent contractor, or
220 volunteer of a candidate for public office;
- 221 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
222 year of birth from the list of registered voters:
- 223 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
224 through (vii);
- 225 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
226 described in Subsections (4)(a)(i) through (vii);
- 227 (C) ensures, using industry standard security measures, that the year of birth may
228 not be accessed by a person other than a person described in Subsections
229 (4)(a)(i) through (vii);
- 230 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
231 whom the person provides the year of birth will only use the year of birth to
232 verify the accuracy of personal information submitted by an individual or to
233 confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 234 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person

- 235 provides the year of birth will only use the year of birth in the person's capacity
236 as a government official or government employee; and
- 237 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
238 person provides the year of birth will only use the year of birth for a political
239 purpose of the political party or candidate for public office; or
- 240 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
241 information under Subsection (4)(n) and (o):
- 242 (A) provides the information only to another person described in Subsection
243 (4)(a)(v) or (vi);
- 244 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
245 person described in Subsection (4)(a)(v) or (vi);
- 246 (C) ensures, using industry standard security measures, that the information may
247 not be accessed by a person other than a person described in Subsection
248 (4)(a)(v) or (vi); and
- 249 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
250 person provides the information will only use the information for a political
251 purpose of the political party or candidate for public office.
- 252 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
253 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
254 when providing the list of registered voters to a qualified person under this section,
255 include, with the list, the years of birth of the registered voters, if:
- 256 (i) the lieutenant governor or a county clerk verifies the identity of the person and
257 that the person is a qualified person; and
- 258 (ii) the qualified person signs a document that includes the following:
- 259 (A) the name, address, and telephone number of the person requesting the list of
260 registered voters;
- 261 (B) an indication of the type of qualified person that the person requesting the list
262 claims to be;
- 263 (C) a statement regarding the purpose for which the person desires to obtain the
264 years of birth;
- 265 (D) a list of the purposes for which the qualified person may use the year of birth
266 of a registered voter that is obtained from the list of registered voters;
- 267 (E) a statement that the year of birth of a registered voter that is obtained from the
268 list of registered voters may not be provided or used for a purpose other than a

- 269 purpose described under Subsection (4)(b)(ii)(D);
- 270 (F) a statement that if the person obtains the year of birth of a registered voter
271 from the list of registered voters under false pretenses, or provides or uses the
272 year of birth of a registered voter that is obtained from the list of registered
273 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
274 and is subject to a civil fine;
- 275 (G) an assertion from the person that the person will not provide or use the year of
276 birth of a registered voter that is obtained from the list of registered voters in a
277 manner that is prohibited by law; and
- 278 (H) notice that if the person makes a false statement in the document, the person is
279 punishable by law under Section 76-8-504.
- 280 (c) The lieutenant governor or a county clerk:
- 281 (i) may not disclose the year of birth of a registered voter to a person that the
282 lieutenant governor or county clerk reasonably believes:
- 283 (A) is not a qualified person or a person described in Subsection (4)(l); or
284 (B) will provide or use the year of birth in a manner prohibited by law; and
- 285 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
286 lieutenant governor or county clerk reasonably believes:
- 287 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
288 (B) will provide or use the information in a manner prohibited by law.
- 289 (d) The lieutenant governor or a county clerk may not disclose the voter registration
290 form of a person, or information included in the person's voter registration form,
291 whose voter registration form is classified as private under Subsection (4)(h) to a
292 person other than:
- 293 (i) a government official or government employee acting in the government official's
294 or government employee's capacity as a government official or government
295 employee; or
- 296 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for
297 a political purpose.
- 298 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
299 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk
300 shall exclude the information described in Subsection 63G-2-302(1)(j), other than
301 the year of birth.
- 302 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the

- 303 voter registration record of a protected individual, the lieutenant governor or
304 county clerk shall comply with Subsections (4)(n) through (p).
- 305 (f) The lieutenant governor or a county clerk may not disclose a withholding request
306 form, described in Subsections (7) and (8), submitted by an individual, or information
307 obtained from that form, to a person other than a government official or government
308 employee acting in the government official's or government employee's capacity as a
309 government official or government employee.
- 310 (g) A person is guilty of a class A misdemeanor if the person:
- 311 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
312 a registered voter or information described in Subsection (4)(n) or (o);
- 313 (ii) uses or provides the year of birth of a registered voter, or information described in
314 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
315 manner that is not permitted by law;
- 316 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
317 under false pretenses;
- 318 (iv) uses or provides information obtained from a voter registration record described
319 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 320 (v) unlawfully discloses or obtains a voter registration record withheld under
321 Subsection (7) or a withholding request form described in Subsections (7) and (8);
322 or
- 323 (vi) unlawfully discloses or obtains information from a voter registration record
324 withheld under Subsection (7) or a withholding request form described in
325 Subsections (7) and (8).
- 326 (h) The lieutenant governor or a county clerk shall classify the voter registration record
327 of a voter as a private record if the voter:
- 328 (i) submits a written application, created by the lieutenant governor, requesting that
329 the voter's voter registration record be classified as private;
- 330 (ii) requests on the voter's voter registration form that the voter's voter registration
331 record be classified as a private record; or
- 332 (iii) submits a withholding request form described in Subsection (7) and any required
333 verification.
- 334 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a
335 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a
336 voter registration record, or information obtained from a voter registration record, if

- 337 the record is withheld under Subsection (7).
- 338 (j) In addition to any criminal penalty that may be imposed under this section, the
339 lieutenant governor may impose a civil fine against a person who violates a provision
340 of this section, in an amount equal to the greater of:
- 341 (i) the product of 30 and the square root of the total number of:
- 342 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
343 dollar; or
- 344 (B) records from which information is obtained, provided, or used unlawfully,
345 rounded to the nearest whole dollar; or
- 346 (ii) \$200.
- 347 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
348 voter, if the year of birth is obtained from the list of registered voters or from a voter
349 registration record, unless the person:
- 350 (i) is a government official or government employee who obtains, provides, or uses
351 the year of birth in the government official's or government employee's capacity
352 as a government official or government employee;
- 353 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
354 uses the year of birth only to verify the accuracy of personal information
355 submitted by an individual or to confirm the identity of a person in order to
356 prevent fraud, waste, or abuse;
- 357 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
358 provides, or uses the year of birth for a political purpose of the political party or
359 candidate for public office; or
- 360 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
361 uses the year of birth to provide the year of birth to another qualified person to
362 verify the accuracy of personal information submitted by an individual or to
363 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 364 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of
365 the media, in relation to an individual designated by the member of the media, in
366 order for the member of the media to verify the identity of the individual.
- 367 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
368 information from a voter registration record for a purpose other than a political
369 purpose.
- 370 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a

- 371 county clerk shall, when providing the list of registered voters to a qualified person
372 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose
373 record is withheld under Subsection (7), the information described in Subsection
374 (4)(o), if:
- 375 (i) the lieutenant governor or a county clerk verifies the identity of the person and
376 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
 - 377 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
378 that includes the following:
 - 379 (A) the name, address, and telephone number of the person requesting the list of
380 registered voters;
 - 381 (B) an indication of the type of qualified person that the person requesting the list
382 claims to be;
 - 383 (C) a statement regarding the purpose for which the person desires to obtain the
384 information;
 - 385 (D) a list of the purposes for which the qualified person may use the information;
 - 386 (E) a statement that the information may not be provided or used for a purpose
387 other than a purpose described under Subsection (4)(n)(ii)(D);
 - 388 (F) a statement that if the person obtains the information under false pretenses, or
389 provides or uses the information in a manner that is prohibited by law, the
390 person is guilty of a class A misdemeanor and is subject to a civil fine;
 - 391 (G) an assertion from the person that the person will not provide or use the
392 information in a manner that is prohibited by law; and
 - 393 (H) notice that if the person makes a false statement in the document, the person is
394 punishable by law under Section 76-8-504.
 - 395 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor
396 or a county clerk is required to provide, under Subsection (4)(n), from the record of a
397 protected individual is:
 - 398 (i) a single hash code, generated from a string of data that includes both the voter's
399 voter identification number and residential address;
 - 400 (ii) the voter's residential address;
 - 401 (iii) the voter's mailing address, if different from the voter's residential address;
 - 402 (iv) the party affiliation of the voter;
 - 403 (v) the precinct number for the voter's residential address;
 - 404 (vi) the voter's voting history; and

- 405 (vii) a designation of which age group, of the following age groups, the voter falls
406 within:
- 407 (A) 25 or younger;
 - 408 (B) 26 through 35;
 - 409 (C) 36 through 45;
 - 410 (D) 46 through 55;
 - 411 (E) 56 through 65;
 - 412 (F) 66 through 75; or
 - 413 (G) 76 or older.
- 414 (p) The lieutenant governor or a county clerk may not disclose:
- 415 (i) information described in Subsection (4)(o) that, due to a small number of voters
416 affiliated with a particular political party, or due to another reason, would likely
417 reveal the identity of a voter if disclosed; or
 - 418 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
419 county clerk determines that the nature of the address would directly reveal
420 sensitive information about the voter.
- 421 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
422 or use the information described in Subsection (4)(n) or (o), except to the extent that
423 the qualified person uses the information for a political purpose of a political party or
424 candidate for public office.
- 425 (5) When political parties not listed on the voter registration form qualify as registered
426 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures,
427 the lieutenant governor shall inform the county clerks of the name of the new political
428 party and direct the county clerks to ensure that the voter registration form is modified to
429 include that political party.
- 430 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
431 clerk's designee shall:
- 432 (a) review each voter registration form for completeness and accuracy; and
 - 433 (b) if the county clerk believes, based upon a review of the form, that an individual may
434 be seeking to register or preregister to vote who is not legally entitled to register or
435 preregister to vote, refer the form to the county attorney for investigation and
436 possible prosecution.
- 437 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
438 person described in Subsection (4)(a)(i), the voter registration record, and information

- 439 obtained from the voter registration record, of a protected individual.
- 440 (8)(a) The lieutenant governor shall design and distribute the withholding request form
441 described in Subsection (7) to each election officer and to each agency that provides
442 a voter registration form.
- 443 (b) An individual described in Subsection (1)(e)(i) is not required to provide
444 verification, other than the individual's attestation and signature on the withholding
445 request form, that the individual, or an individual who resides with the individual, is a
446 victim of domestic violence or dating violence or is likely to be a victim of domestic
447 violence or dating violence.
- 448 (c) The director of elections within the Office of the Lieutenant Governor shall make
449 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
450 establishing requirements for providing the verification described in Subsection
451 (1)(e)(ii).
- 452 (9) An election officer or an employee of an election officer may not encourage an
453 individual to submit, or discourage an individual from submitting, a withholding request
454 form.
- 455 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to
456 registered voters who are protected individuals, that includes the following
457 information:
- 458 (i) that the voter's classification of the record as private remains in effect;
459 (ii) that certain non-identifying information from the voter's voter registration record
460 may, under certain circumstances, be released to political parties and candidates
461 for public office;
462 (iii) that the voter's name, driver license or identification card number, social security
463 number, email address, phone number, and the voter's day, month, and year of
464 birth will remain private and will not be released to political parties or candidates
465 for public office;
466 (iv) that a county clerk will only release the information to political parties and
467 candidates in a manner that does not associate the information with a particular
468 voter; and
469 (v) that a county clerk may, under certain circumstances, withhold other information
470 that the county clerk determines would reveal identifying information about the
471 voter.
- 472 (b) The lieutenant governor may include in the notice described in this Subsection (10) a

473 statement that a voter may obtain additional information on the lieutenant governor's
474 website.

475 (c) The plan described in Subsection (10)(a) may include providing the notice described
476 in Subsection (10)(a) by:

477 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;

478 (ii) publication on the lieutenant governor's website or a county's website;

479 (iii) posting the notice in public locations;

480 (iv) publication in a newspaper;

481 (v) sending notification to the voters by electronic means;

482 (vi) sending notice by other methods used by government entities to communicate
483 with citizens; or

484 (vii) providing notice by any other method.

485 (d) The lieutenant governor shall provide the notice included in a plan described in this
486 Subsection (10) before June 16, 2023.

487 Section 2. Section **20A-11-1205** is amended to read:

488 **20A-11-1205 . Use of public email for a political purpose.**

489 (1) Except as provided in Subsection (5), a person may not send an email using the email of
490 a public entity:

491 (a) for a political purpose;

492 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,
493 referendum, a proposed bond, a bond, or any ballot proposition; or

494 (c) to solicit a campaign contribution.

495 (2)(a) The lieutenant governor shall, after giving the person and the complainant notice
496 and an opportunity to be heard, impose a civil fine against a person who violates
497 Subsection (1) as follows:

498 (i) up to \$250 for a first violation; and

499 (ii) except as provided in Subsection (3), for each subsequent violation committed
500 after the lieutenant governor imposes a fine against the person for a first violation,
501 \$1,000 multiplied by the number of violations committed by the person.

502 (b) A person may, within 30 days after the day on which the lieutenant governor
503 imposes a fine against the person under this Subsection (2), appeal the fine to a
504 district court.

505 (3) The lieutenant governor shall consider a violation of this section as a first violation if
506 the violation is committed more than seven years after the day on which the person last

- 507 committed a violation of this section.
- 508 (4) For purposes of this section, one violation means one act of sending an email, regardless
509 of the number of recipients of the email.
- 510 (5) A person does not violate this section if:
- 511 (a) the lieutenant governor finds that the email described in Subsection (1) was
512 inadvertently sent by the person using the email of a public entity;
- 513 (b) the person is directly providing information solely to another person or a group of
514 people in response to a question asked by the other person or group of people;
- 515 (c) the information the person emails is an argument or rebuttal argument prepared
516 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing
517 argument and rebuttal argument that:
- 518 (i) relates to the same proposed initiative, initiative, proposed referendum, or
519 referendum; and
- 520 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 521 (d) the person is engaging in:
- 522 (i) an internal communication solely within the public entity;
- 523 (ii) a communication solely with another public entity;
- 524 (iii) a communication solely with legal counsel;
- 525 (iv) a communication solely with the sponsors of an initiative or referendum;
- 526 (v) a communication solely with a land developer for a project permitted by a local
527 land use law that is challenged by a proposed referendum or a referendum; or
- 528 (vi) a communication solely with a person involved in a business transaction directly
529 relating to a project described in Subsection (5)(d)(v).
- 530 (6) A violation of this section does not invalidate an otherwise valid election.
- 531 (7) An email sent in violation of Subsection (1), as determined by the records officer,
532 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of
533 Title 63G, Chapter 2, Government Records Access and Management Act,
534 notwithstanding any applicability of Subsection [63G-2-103(25)(b)(i)]
535 63G-2-103(28)(b)(i).

536 Section 3. Section **63A-12-117** is enacted to read:

537 **63A-12-117 . Summary of government records requirements -- Provision to**
538 **employee of a governmental entity.**

539 (1) As used in this section:

540 (a) "Summary" means the one-page summary developed and updated by the division

- 541 under Subsection (2).
- 542 (b) "Summary" includes, in relation to a governmental entity that adopts an ordinance or
543 policy under Section 63G-2-701, the supplement developed and updated by the
544 governmental entity in accordance with Subsection (3).
- 545 (2) The division shall:
- 546 (a) before September 1, 2025, develop a one-page summary of Title 63G, Chapter 2,
547 Government Records Access and Management Act, to instruct an employee of a
548 governmental entity on legal requirements relating to records, including information
549 on:
- 550 (i) a citizen's ability to access public records;
551 (ii) the classification and retention of records;
552 (iii) the confidentiality of records that are not public records;
553 (iv) criminal penalties relating to government records; and
554 (v) where the employee may obtain additional information on questions relating to
555 government records;
- 556 (b) update the summary before September 1 each year; and
557 (c) post a copy of the summary in a conspicuous place on the division's website.
- 558 (3) A governmental entity that adopts an ordinance or policy under Section 63G-2-701 shall:
- 559 (a) before November 1, 2025, develop a supplement to the summary described in
560 Subsection (2) that:
- 561 (i) describes provisions in the ordinance or policy that differ from, or add to, the
562 provisions of the summary described in Subsection (2); and
563 (ii) does not exceed one page;
- 564 (b) update the supplement before November 1 each year; and
565 (c) post a copy of the supplement, with the summary described in Subsection (2), in a
566 conspicuous place on the governmental entity's website.
- 567 (4) A governmental entity described in Subsection (3) shall:
- 568 (a) on an annual basis, within 30 days after the day on which the governmental entity
569 develops or updates the supplement described in Subsection (3), provide each
570 employee of the governmental entity with a copy of the summary; and
- 571 (b) within 30 days after the day on which the governmental entity hires an employee,
572 provide the employee with a copy of the summary.
- 573 (5) A governmental entity, other than a governmental entity described in Subsection (3),
574 shall:

- 575 (a) on an annual basis, within 30 days after the day on which the division develops or
 576 updates the summary, provide each employee of the governmental entity with a copy
 577 of the summary; and
 578 (b) within 30 days after the day on which the governmental entity hires an employee,
 579 provide the employee with a copy of the summary.

580 Section 4. Section **63G-2-102** is amended to read:

581 **63G-2-102 . Legislative intent.**

- 582 (1) In enacting this act, the Legislature recognizes~~[two constitutional rights]~~:
- 583 (a) the public's right of access to ~~[information]~~ records concerning the conduct of the
 584 public's business; and
- 585 (b) the right of privacy in relation to personal data gathered by governmental entities.
- 586 (2) The Legislature also recognizes a public policy interest in allowing a government to
 587 restrict access to certain records, as specified in this chapter, for the public good.
- 588 (3) It is the intent of the Legislature to:
- 589 (a) promote the public's right of easy and reasonable access to unrestricted public
 590 records;
- 591 (b) specify those conditions under which the public interest in allowing restrictions on
 592 access to records may outweigh the public's interest in access;
- 593 (c) prevent abuse of confidentiality by governmental entities by permitting confidential
 594 treatment of records only as provided in this chapter;
- 595 (d) provide guidelines for both disclosure and restrictions on access to government
 596 records, which are based on the equitable weighing of the pertinent interests and
 597 which are consistent with nationwide standards of information practices;
- 598 (e) favor public access when, in the application of this act, countervailing interests are of
 599 equal weight; and
- 600 (f) establish fair and reasonable records management practices.

601 Section 5. Section **63G-2-103** is amended to read:

602 **63G-2-103 . Definitions.**

603 As used in this chapter:

- 604 (1) "Audit" means:
- 605 (a) a systematic examination of financial, management, program, and related records for
 606 the purpose of determining the fair presentation of financial statements, adequacy of
 607 internal controls, or compliance with laws and regulations; or
- 608 (b) a systematic examination of program procedures and operations for the purpose of

609 determining ~~[their]~~ the program's effectiveness, economy, efficiency, and compliance
 610 with statutes and regulations.

611 (2) "Chief administrative officer" means the chief administrative officer of a governmental
 612 entity who is responsible to fulfill the duties described in Section 63A-12-103.

613 (3) "Chronological logs" mean the regular and customary summary records of law
 614 enforcement agencies and other public safety agencies that show:

615 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
 616 and

617 (b) any arrests or jail bookings made by the agency.

618 ~~[(3)] (4) "Classification[;]" ["classify," and their derivative forms mean determining whether]~~
 619 means the designation of a record series, record, or information within a record [is] as:

620 (a) public[;] ;

621 (b) private[;] ;

622 (c) controlled[;] ;

623 (d) protected[;] ; or[-]

624 (e) exempt from disclosure under Subsection 63G-2-201(3)(b).

625 (5) "Classify" means the process of designating or determining the classification of a record
 626 series, record, or information within a record.

627 ~~[(4)] (6)(a)~~ "Computer program" means:

628 (i) a series of instructions or statements that ~~[permit]~~ permits the functioning of a
 629 computer system in a manner designed to provide storage, retrieval, and
 630 manipulation of data from the computer system; and

631 (ii) any associated documentation and source material that explain how to operate the
 632 computer program.

633 (b) "Computer program" does not mean:

634 (i) the original data, including numbers, text, voice, graphics, and images;

635 (ii) analysis, compilation, and other manipulated forms of the original data produced
 636 by use of the program; or

637 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
 638 algorithms contained in the program, that would be used if the manipulated forms
 639 of the original data were to be produced manually.

640 ~~[(5)] (7)(a)~~ "Contractor" means:

641 (i) ~~[any]~~ a person who contracts with a governmental entity to provide goods or
 642 services directly to a governmental entity; or

643 (ii) ~~[any]~~ a private, nonprofit organization that receives funds from a governmental
 644 entity.

645 (b) "Contractor" does not ~~[mean]~~ include a private provider.

646 ~~[(6)]~~ (8) "Controlled record" means a record containing data ~~[on individuals]~~ on an individual
 647 that is controlled as ~~[provided by]~~ described in Section 63G-2-304.

648 ~~[(7)]~~ (9) ~~["Designation," "designate," and their derivative forms mean indicating]~~
 649 "Designate," in relation to a record series, means, based on a governmental entity's
 650 familiarity with a record series or based on a governmental entity's review of a
 651 reasonable sample of a record series, specifying the primary classification that a
 652 majority of records in a record series would be given if classified and the classification
 653 that other records typically present in the record series would be given if classified.

654 ~~[(8)]~~ (10) "Elected official" means ~~[each person]~~ an individual elected to a state office,
 655 county office, municipal office, school board or school district office, special district
 656 office, or special service district office, but does not include judges.

657 ~~[(9)]~~ (11) "Explosive" means a chemical compound, device, or mixture:

- 658 (a) commonly used or intended for the purpose of producing an explosion; and
- 659 (b) that contains oxidizing or combustive units or other ingredients in proportions,
 660 quantities, or packing so that:
 - 661 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
 662 compound or mixture may cause a sudden generation of highly heated gases; and
 - 663 (ii) the resultant gaseous pressures are capable of:
 - 664 (A) producing destructive effects on contiguous objects; or
 - 665 (B) causing death or serious bodily injury.

666 ~~[(10)]~~ (12) "Government audit agency" means any governmental entity that conducts an
 667 audit.

668 ~~[(11)]~~ (13)(a) "Governmental entity" means:

- 669 (i) executive department agencies of the state, the offices of the governor, lieutenant
 670 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
 671 and Parole, the Board of Examiners, the National Guard, the Career Service
 672 Review Office, the State Board of Education, the Utah Board of Higher
 673 Education, and the State Archives;
- 674 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
 675 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
 676 legislative committees, except any political party, group, caucus, or rules or sifting

- 677 committee of the Legislature;
- 678 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
679 administrative units in the judicial branch;
- 680 (iv) any state-funded institution of higher education or public education; or
- 681 (v) ~~[any] a political subdivision of the state, [but, if a political subdivision has~~
682 ~~adopted an ordinance or a policy relating to information practices pursuant to~~
683 ~~Section 63G-2-701, this chapter shall apply to the political subdivision to the~~
684 ~~extent specified in Section 63G-2-701 or as specified in any other section of this~~
685 ~~chapter that specifically refers to political subdivisions.] except to the extent~~
686 ~~expressly provided otherwise in this chapter, including to the extent otherwise~~
687 ~~provided in Section 63G-2-701.~~
- 688 (b) "Governmental entity" ~~[also means]~~ includes:
- 689 (i) every office, agency, board, bureau, committee, department, advisory board, or
690 commission of an entity listed in Subsection ~~[(11)(a)]~~ (13)(a) that is funded or
691 established by the government to carry out the public's business;
- 692 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
693 undertaking, except for the Water District Water Development Council created
694 pursuant to Section 11-13-228;
- 695 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 696 (iv) an association as defined in Section 53G-7-1101;
- 697 (v) the Utah Independent Redistricting Commission; and
- 698 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
699 more law enforcement officers, as defined in Section 53-13-103.
- 700 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
701 Section 53B-8a-103.
- 702 ~~[(12)]~~ (14) "Gross compensation" means every form of remuneration payable for a given
703 period to an individual for services provided including salaries, commissions, vacation
704 pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind,
705 and any similar benefit received from the individual's employer.
- 706 ~~[(13)]~~ (15) "Individual" means a human being.
- 707 ~~[(14)]~~ (16)(a) "Initial contact report" means an initial written or recorded report, however
708 titled, prepared by ~~[peace officers]~~ a peace officer who is engaged in public patrol or
709 response duties ~~[describing]~~ that describes official actions initially taken in response
710 to ~~[either]~~ a public complaint about or the discovery of an apparent violation of law,

711 which report may describe:

- 712 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 713 (ii) ~~[names of victims]~~ the victim's name;
- 714 (iii) the nature or general scope of the agency's initial actions taken in response to the
- 715 incident;
- 716 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 717 (v) the name, address, and other identifying information about ~~[any person]~~ an
- 718 individual who is arrested or charged in connection with the incident; or
- 719 (vi) the identity of the public safety personnel, except undercover personnel, or
- 720 prosecuting attorney involved in responding to the initial incident.

721 (b) "Initial contact ~~[reports do]~~ report" does not include:

- 722 (i) a follow-up or investigative ~~[reports]~~ report prepared after the initial contact report[
- 723 However, if the information specified in Subsection (14)(a) appears in follow-up
- 724 or investigative reports, it may only be treated confidentially if it is private,
- 725 controlled, protected, or exempt from disclosure under Subsection 63G-2-201
- 726 (3)(b); or

727 (c) (ii) ~~[Initial contact reports do not include]~~ an accident ~~[reports]~~ report, as that term

728 is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.

729 ~~[(15)]~~ (17) "Legislative body" means the Legislature.

730 ~~[(16)]~~ (18)(a) "Media representative" means an individual who requests a record to

731 obtain information for a story or report for a news publication or a news broadcast to

732 the general public.

733 (b) "Media representative" does not include an individual who requests a record to

734 obtain information for a blog, podcast, social media account, or other mass

735 communication methods generally available for a member of the public to

736 disseminate opinions or information.

737 (19) "Notice of compliance" means a statement confirming that a governmental entity has

738 complied with an order of the State Records Committee.

739 ~~[(17)]~~ "Person" means:

- 740 [(a) an individual;]
- 741 [(b) a nonprofit or profit corporation;]
- 742 [(c) a partnership;]
- 743 [(d) a sole proprietorship;]
- 744 [(e) other type of business organization; or]

- 745 ~~[(f) any combination acting in concert with one another.]~~
- 746 [(18)] (20) "Personal identifying information" means the same as that term is defined in
747 Section 63A-12-100.5.
- 748 [(19)] (21) "Privacy annotation" means the same as that term is defined in Section
749 63A-12-100.5.
- 750 [(20)] (22) "Private provider" means any person who contracts with a governmental entity to
751 provide services directly to the public.
- 752 [(21)] (23) "Private record" means a record containing data on ~~[individuals]~~ an individual
753 that is private as provided by Section 63G-2-302.
- 754 [(22)] (24) "Protected record" means a record that is classified protected as provided by
755 Section 63G-2-305.
- 756 [(23)] (25) "Public record" means a record that is not private, controlled, or protected and
757 that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 758 [(24)] (26) "Reasonable search" means a search that is:
- 759 (a) reasonable in scope and intensity; and
- 760 (b) not unreasonably burdensome for the government entity.
- 761 (27) "Reasonable specificity" means a request for a record or multiple records that:
- 762 (a) describes the requested records' scope, nature, content, or subject; and
- 763 (b) for records that will be searched electronically, specifies the names, words, or
764 symbols to be used as search terms.
- 765 [(25)] (28)(a) "Record" means ~~[a book, letter, document, paper, map, plan, photograph,~~
766 ~~film, card, tape, recording, electronic data, or other documentary material regardless~~
767 ~~of physical form or characteristics]~~ recorded information, regardless of medium,
768 characteristics, or location:
- 769 (i) that is prepared, owned, received, or retained by a governmental entity or political
770 subdivision; and
- 771 (ii) where all of the information in the original is reproducible by photocopy or other
772 mechanical or electronic means.
- 773 (b) "Record" does not include:
- 774 (i) a personal note or personal communication prepared or received by an employee
775 or officer of a governmental entity:
- 776 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 777 (B) that is unrelated to the conduct of the public's business;
- 778 (ii) a temporary draft or similar material prepared for the originator's personal use or

- 779 prepared by the originator for the personal use of an individual for whom the
780 originator is working;
- 781 (iii) material that is legally owned by an individual in the individual's private capacity;
- 782 (iv) material to which access is limited by the laws of copyright or patent unless the
783 copyright or patent is owned by a governmental entity or political subdivision;
- 784 (v) proprietary software;
- 785 (vi) junk mail or a commercial publication received by a governmental entity or an
786 official or employee of a governmental entity;
- 787 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
788 of a library open to the public;
- 789 (viii) material that is cataloged, indexed, or inventoried and contained in the
790 collections of a library open to the public, regardless of physical form or
791 characteristics of the material;
- 792 (ix) a daily calendar[-];
- 793 (x) a note prepared by the originator for the originator's own use or for the sole use of
794 an individual for whom the originator is working;
- 795 (xi) a computer program that is developed or purchased by or for [any] a
796 governmental entity for [its] the governmental entity's own use;
- 797 (xii) a note or internal memorandum prepared as part of the deliberative process by:
798 (A) a member of the judiciary;
799 (B) an administrative law judge;
800 (C) a member of the Board of Pardons and Parole; or
801 (D) a member of any other body, other than an association or appeals panel as
802 defined in Section 53G-7-1101, charged by law with performing a
803 quasi-judicial function;
- 804 (xiii) a telephone number or similar code used to access a mobile communication
805 device that is used by an employee or officer of a governmental entity, provided
806 that the employee or officer of the governmental entity has designated at least one
807 business telephone number that is a public record as provided in Section
808 63G-2-301;
- 809 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
810 created in Section 49-20-103, to a county to enable the county to calculate the
811 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 812 (xv) information that an owner of unimproved property provides to a local entity as

813 provided in Section 11-42-205;

814 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
815 recording, that is conducted at a Children's Justice Center established under
816 Section 67-5b-102;

817 (xvii) child sexual abuse material, as defined by Section 76-5b-103;

818 (xviii) before final disposition of an ethics complaint occurs, a video or audio
819 recording of the closed portion of a meeting or hearing of:

820 (A) a Senate or House Ethics Committee;

821 (B) the Independent Legislative Ethics Commission;

822 (C) the Independent Executive Branch Ethics Commission, created in Section
823 63A-14-202; or

824 (D) the Political Subdivisions Ethics Review Commission established in Section
825 63A-15-201;

826 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
827 58-61-702;

828 (xx) any item described in Subsection (25)(a) that is:

829 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and

830 (B) shared between any of the following entities:

831 (I) the Division of Risk Management;

832 (II) the Office of the Attorney General;

833 (III) the governor's office; or

834 (IV) the Legislature; or

835 (xxi) the email address that a candidate for elective office provides to a filing officer
836 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).

837 ~~[(26)]~~ (29) "Record request" means a request for a record under Section 63G-2-204.

838 (30) "Record series" means a group of records that may be treated as a unit for purposes of
839 designation, description, management, or disposition.

840 ~~[(27)]~~ (31) "Records officer" means [the] an individual appointed by [the] a chief
841 administrative officer of each governmental entity[;] in accordance with Section
842 63A-12-103, or [the] by a political subdivision, to work with state archives in the care,
843 maintenance, scheduling, designation, classification, disposal, and preservation of
844 records.

845 ~~[(28)]~~ (32) "Schedule," ["scheduling," and their derivative forms mean] when used as a verb,
846 means:

847 (a) the process of specifying the length of time each record series should be retained by a
848 governmental entity for administrative, legal, fiscal, or historical purposes; and

849 (b) when each record series should be transferred to the state archives or destroyed.

850 [(29)] (33) "Sponsored research" means research, training, and other sponsored activities as
851 defined by the federal Executive Office of the President, Office of Management and
852 Budget:

853 (a) conducted:

854 (i) by an institution within the state system of higher education defined in Section
855 53B-1-102; and

856 (ii) through an office responsible for sponsored projects or programs; and

857 (b) funded or otherwise supported by an external:

858 (i) person that is not created or controlled by the institution within the state system of
859 higher education; or

860 (ii) federal, state, or local governmental entity.

861 [(30)] (34) "State archives" means the Division of Archives and Records Service created in
862 Section 63A-12-101.

863 [(31)] (35) "State archivist" means the director of the state archives.

864 [(32)] (36) "State Records Committee" means the State Records Committee created in
865 Section 63G-2-501.

866 [(33)] (37) "Summary data" means statistical records and compilations that contain data
867 derived from private, controlled, or protected information but that do not disclose
868 private, controlled, or protected information.

869 Section 6. Section **63G-2-107** is amended to read:

870 **63G-2-107 . Disclosure of records subject to federal law or other provisions of**
871 **state law.**

872 (1)(a) The disclosure of a record to which access is governed or limited pursuant to court
873 rule, another state statute, federal statute, or federal regulation, including a record for
874 which access is governed or limited as a condition of participation in a state or
875 federal program or for receiving state or federal funds, is governed by the specific
876 provisions of that statute, rule, or regulation.

877 (b) Except as provided in Subsections (2) and (3), this chapter applies to records
878 described in Subsection (1)(a) to the extent that this chapter is not inconsistent with
879 the statute, rule, or regulation.

880 (2) Except as provided in Subsection (4), this chapter does not apply to a record containing

881 protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of
 882 Individually Identifiable Health Information, or to any portion of the record, if the
 883 record is:

- 884 (a) controlled or maintained by a governmental entity; and
- 885 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
 886 Identifiable Health Information.

887 [~~(3) The disclosure of an education record as defined in the Family Educational Rights and
 888 Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity
 889 is governed by the Family Educational Rights and Privacy Act, 34 C.F.R.
 890 Part 99.]~~

891 (3) Except as provided in Subsection (4), this chapter does not apply to education records,
 892 as that term is defined in 20 U.S.C Sec. 1232g(a)(4) of the Family Educational Rights
 893 and Privacy Act, or to any portion of an educational record, regardless of whether the
 894 education records were requested before May 7, 2025, or on or after May 7, 2025.

895 (4) This section does not exempt any record or record series from the provisions of
 896 Subsection 63G-2-601(1).

897 Section 7. Section **63G-2-201** is amended to read:

898 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,
 899 protected, and other restricted records -- Disclosure and nondisclosure of records --
 900 Certified copy of record -- Limits on obligation to respond to record request.**

901 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
 902 record free of charge, and the right to take a copy of a public record during normal
 903 working hours, subject to Sections 63G-2-203 and 63G-2-204.

904 (b) A right under Subsection (1)(a) does not apply with respect to a record:

- 905 (i) a copy of which the governmental entity has already provided to the person;
- 906 (ii) that is the subject of a records request that the governmental entity is not required
 907 to fill under Subsection (7)(a)(v); or
- 908 (iii)(A) that is accessible only by a computer or other electronic device owned or
 909 controlled by the governmental entity;
- 910 (B) that is part of an electronic file that also contains a record that is private,
 911 controlled, or protected; and
- 912 (C) that the governmental entity cannot readily segregate from the part of the
 913 electronic file that contains a private, controlled, or protected record.

914 (2) A record is public unless otherwise expressly provided by statute.

- 915 (3) The following records are not public:
- 916 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,
917 63G-2-304, and 63G-2-305; and
- 918 (b) a record to which access is restricted pursuant to court rule, another state statute,
919 federal statute, or federal regulation, including records for which access is governed
920 or restricted as a condition of participation in a state or federal program or for
921 receiving state or federal funds.
- 922 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
923 may be classified private, controlled, or protected.
- 924 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
925 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
926 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 927 (b) A governmental entity may disclose a record that is private under Subsection
928 63G-2-302(2) or protected under Section 63G-2-305 to ~~[persons]~~ a person other than [
929 ~~those]~~ a person specified in Section 63G-2-202 or 63G-2-206 if the ~~[head of a
930 governmental entity, or a designee,]~~ chief administrative officer or records officer
931 determines that:
- 932 (i) there is no interest in restricting access to the record; or
- 933 (ii) the interests favoring access are greater than or equal to the interest favoring
934 restriction of access.
- 935 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
936 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 937 (i) the ~~[head of the governmental entity, or a designee,]~~ chief administrative officer or
938 records officer determines that the disclosure:
- 939 (A) is mutually beneficial to:
- 940 (I) the subject of the record;
- 941 (II) the governmental entity; and
- 942 (III) the public; and
- 943 (B) serves a public purpose related to:
- 944 (I) public safety; or
- 945 (II) consumer protection; and
- 946 (ii) the person who receives the record from the governmental entity agrees not to use
947 or allow the use of the record for advertising or solicitation purposes.
- 948 (6) A governmental entity shall provide a person with a certified copy of a record if:

- 949 (a) the person requesting the record has a right to inspect it;
- 950 (b) the person identifies the record with reasonable specificity; and
- 951 (c) the person pays the lawful fees.
- 952 (7)(a) In response to a request, a governmental entity is not required to:
- 953 (i) create a record;
- 954 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 955 (iii) provide a record in a particular format, medium, or program not currently
- 956 maintained by the governmental entity;
- 957 (iv) fulfill a person's records request if the request unreasonably duplicates prior
- 958 records requests from that person;
- 959 (v) fill a person's records request if:
- 960 (A) the record requested is:
- 961 (I) publicly accessible online; or
- 962 (II) included in a public publication or product produced by the governmental
- 963 entity receiving the request; and
- 964 (B) the governmental entity:
- 965 (I) specifies to the person requesting the record where the record is accessible
- 966 online; or
- 967 (II) provides the person requesting the record with the public publication or
- 968 product and specifies where the record can be found in the public
- 969 publication or product; or
- 970 (vi) fulfill a person's records request if:
- 971 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 972 requester;
- 973 (B) the State Records Committee order determining the person to be a vexatious
- 974 requester provides that the governmental entity is not required to fulfill a
- 975 request from the person for a period of time; and
- 976 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 977 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 978 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 979 person who submitted the records request, compile, format, manipulate, package,
- 980 summarize, or tailor information or provide a record in a format, medium, or program
- 981 not currently maintained by the governmental entity.
- 982 (b) In determining whether to fulfill a request described in Subsection (8)(a), a

983 governmental entity may consider whether the governmental entity is able to fulfill
984 the request without unreasonably interfering with the governmental entity's duties
985 and responsibilities.

986 (c) A governmental entity may require a person who makes a request under Subsection
987 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
988 providing the information or record as requested.

989 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
990 (9)(b), a governmental entity is not required to respond to, or provide a record in
991 response to, a record request if the request is submitted by or in behalf of an
992 individual who is confined in a jail or other correctional facility following the
993 individual's conviction.

994 (b) Subsection (9)(a) does not apply to:

995 (i) the first five record requests submitted to the governmental entity by or in behalf
996 of an individual described in Subsection (9)(a) during any calendar year
997 requesting only a record that contains a specific reference to the individual; or

998 (ii) a record request that is submitted by an attorney of an individual described in
999 Subsection (9)(a).

1000 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
1001 records to copy the records if:

1002 (i) the records are contained in files that do not contain records that are exempt from
1003 disclosure, or the records may be segregated to remove private, protected, or
1004 controlled information from disclosure; and

1005 (ii) the governmental entity provides reasonable safeguards to protect the public from
1006 the potential for loss of a public record.

1007 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

1008 (i) provide the requester with the facilities for copying the requested records and
1009 require that the requester make the copies; or

1010 (ii) allow the requester to provide the requester's own copying facilities and personnel
1011 to make the copies at the governmental entity's offices and waive the fees for
1012 copying the records.

1013 (11)(a) A governmental entity that owns an intellectual property right and that offers the
1014 intellectual property right for sale or license may control by ordinance or policy the
1015 duplication and distribution of the material based on terms the governmental entity
1016 considers to be in the public interest.

1017 (b) Nothing in this chapter [~~shall be construed to limit or impair~~] limits or impairs the
 1018 rights or protections granted to the governmental entity under federal copyright or
 1019 patent law as a result of [~~its ownership of~~]the intellectual property right ownership.

1020 (12) A governmental entity may not use the physical form, electronic or otherwise, in
 1021 which a record is stored to deny[;] or unreasonably hinder the rights of a person to
 1022 inspect and receive a copy of a record under this chapter.

1023 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
 1024 access to an electronic copy of a record in lieu of providing access to [~~its~~] the record's
 1025 paper equivalent if:

1026 (a) the person making the request requests or states a preference for an electronic copy;

1027 (b) the governmental entity currently maintains the record in an electronic format that is
 1028 reproducible and may be provided without reformatting or conversion; and

1029 (c) the electronic copy of the record:

1030 (i) does not disclose other records that are exempt from disclosure; or

1031 (ii) may be segregated to protect private, protected, or controlled information from
 1032 disclosure without the undue expenditure of public resources or funds.

1033 (14) In determining whether a record is properly classified as private under Subsection
 1034 63G-2-302(2)(d), the governmental entity, State Records Committee, local appeals
 1035 board, or court shall consider and weigh:

1036 (a) any personal privacy [~~interests~~] interest, including [~~those~~] a personal privacy interest
 1037 in images, that would be affected by disclosure of the records[~~in question~~]; and

1038 (b) any public [~~interests~~] interest served by disclosure.

1039 Section 8. Section **63G-2-203** is amended to read:

1040 **63G-2-203 . Fees.**

1041 (1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to
 1042 cover the governmental entity's actual cost of providing a record.

1043 (b) A fee [~~under~~] described in Subsection (1)(a) shall be approved by the governmental
 1044 entity's executive officer.

1045 (2)(a) [~~When a governmental entity compiles a record in a form other than that normally~~
 1046 ~~maintained by the governmental entity, the~~] The actual costs under this section may
 1047 include the following:

1048 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
 1049 summarizing, or tailoring the record either into an organization or media to meet
 1050 the person's request;

- 1051 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
 1052 complying with a request; and
- 1053 (iii) ~~[in the case of fees]~~for a record that is the result of computer output other than
 1054 word processing, in addition to costs described in Subsections (2)(a)(i) and (ii),
 1055 the actual incremental cost of providing the electronic services and products
 1056 together with a reasonable portion of the costs associated with formatting or
 1057 interfacing the information for particular users~~[, and the administrative costs as set~~
 1058 ~~forth in Subsections (2)(a)(i) and (ii)]~~.
- 1059 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest
 1060 paid employee who, in the discretion of the custodian of records, has the necessary
 1061 skill and training to perform the request.
- 1062 (3)(a) Fees shall be established as provided in this Subsection (3).
- 1063 (b) A governmental entity with fees established by the Legislature:
- 1064 (i) shall establish the fees defined in Subsection (2), or other actual costs associated
 1065 with this section through the budget process; and
- 1066 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature
 1067 establishes fees through the budget process.
- 1068 (c) Political subdivisions shall establish fees by ordinance or written formal policy
 1069 adopted by the governing body.
- 1070 (d) The judiciary shall establish fees by rules of the judicial council.
- 1071 (4) A governmental entity may fulfill a record request without charge, and is encouraged to~~[~~
 1072 ~~do so if it]~~, if the governmental entity determines that:
- 1073 (a) releasing the record primarily benefits the public rather than a person;
- 1074 (b) the individual requesting the record is the subject of the record, or an individual
 1075 specified in Subsection 63G-2-202(1) or (2); or
- 1076 (c) the requester's legal rights are directly implicated by the information in the record,
 1077 and the requester is impecunious.
- 1078 ~~[(5)(a) As used in this Subsection (5), "media representative":]~~
- 1079 ~~[(i) means a person who requests a record to obtain information for a story or report~~
 1080 ~~for publication or broadcast to the general public; and]~~
- 1081 ~~[(ii) does not include a person who requests a record to obtain information for a blog,~~
 1082 ~~podcast, social media account, or other means of mass communication generally~~
 1083 ~~available to a member of the public.]~~
- 1084 ~~[(b)]~~ (5)(a) A governmental entity may not charge a fee for:

- 1085 (i) reviewing a record to determine whether it is subject to disclosure, except as
 1086 permitted by Subsection (2)(a)(ii);
- 1087 (ii) inspecting a record; or
- 1088 (iii) the first quarter hour of staff time spent in responding to a request under Section
 1089 63G-2-204.
- 1090 ~~[(e)]~~ (b) Notwithstanding Subsection ~~[(5)(b)(iii)]~~ (5)(a)(iii), a governmental entity is not
 1091 prevented from charging a fee for the first quarter hour of staff time spent in
 1092 responding to a request under Section 63G-2-204 if the person who submits the
 1093 request:
- 1094 (i) is not a Utah media representative; and
- 1095 (ii) previously submitted a separate request within the 10-day period immediately
 1096 before the date of the request to which the governmental entity is responding.
- 1097 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver
 1098 under Subsection (4) may appeal the denial in the same manner as ~~[a person appeals~~
 1099 ~~when inspection of a public record is denied]~~ a denial under Section 63G-2-205.
- 1100 (b) The adjudicative body hearing the appeal:
- 1101 (i) shall review the fee waiver de novo~~[-but]~~ ;
- 1102 (ii) notwithstanding Subsection (6)(b)(i), shall review and consider the governmental
 1103 entity's denial of the fee waiver and any determination under Subsection (4); and
 1104 [(ii)] (iii) has the same authority when a fee waiver or reduction is denied as [it] the
 1105 adjudicative body has when the inspection of a public record is denied.
- 1106 (c) An adjudicative body hearing an appeal under this Subsection (6) is not required to
 1107 schedule a hearing if the adjudicative body previously upheld a fee waiver denial for
 1108 a fee charged under this section:
- 1109 (i) for the same records; or
- 1110 (ii) under the same facts or circumstances applicable to the matter appealed under this
 1111 Subsection (6).
- 1112 (7)(a) If a governmental entity denies a fee waiver request under this section, the
 1113 governmental entity shall inform the requester of the estimated cost of fulfilling the
 1114 record request.
- 1115 (b) The governmental entity shall provide the requester with an opportunity, no later
 1116 than 10 business days after the day on which the governmental entity provides notice
 1117 of the estimated cost, to:
- 1118 (i) agree to pay the estimated fees; or

- 1119 (ii) cancel the record request.
- 1120 (c) If the requester fails to respond within the time described in Subsection (7)(b), the
 1121 governmental entity may not consider the request.
- 1122 (d) Nothing in this Subsection (7) prevents a requester from submitting a new record
 1123 request.
- 1124 [~~7~~] (8)(a) All fees received under this section by a governmental entity subject to
 1125 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.
- 1126 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
 1127 governmental entity in providing the requested record or record series.
- 1128 [~~8~~] (9)(a) [~~A~~] Subject to Subsections (9)(c) and (d), a governmental entity may require
 1129 payment of past fees and future estimated fees before beginning to process a request
 1130 if:
- 1131 (i) fees are expected to exceed \$50; or
- 1132 (ii) the requester has not paid fees from a previous [requests] request.
- 1133 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 1134 (c) A governmental entity that receives a request from a requester that has not paid fees
 1135 owed by the requester for a previous request may refuse to respond to the request
 1136 until the requester pays the amount owed for the previous request, if, within the time
 1137 period described in Subsection 63G-2-204(4), the governmental entity notifies the
 1138 requester, in writing:
- 1139 (i) of the amount owed for the previous request;
- 1140 (ii) of the request to which the amount owed relates; and
- 1141 (iii) that the governmental entity will not respond to the request until the requester
 1142 pays the amount owed for the previous request.
- 1143 (d) The notification described in Subsection (9)(c) is not a denial under Section
 1144 63G-2-205.
- 1145 [~~9~~] (10) This section does not alter, repeal, or reduce fees established by other statutes or
 1146 legislative acts.
- 1147 [~~10~~] (11)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall
 1148 be set as provided in this Subsection [~~10~~] (11).
- 1149 (b) The lieutenant governor shall:
- 1150 (i) after consultation with county clerks, establish uniform fees for voter registration
 1151 and voter history records that meet the requirements of this section; and
- 1152 (ii) obtain legislative approval of those fees by following the procedures and

- 1153 requirements of Section 63J-1-504.
- 1154 Section 9. Section **63G-2-204** is amended to read:
- 1155 **63G-2-204 . Record request -- Response -- Time for responding.**
- 1156 (1)(a) A person [~~making a request for a record~~] who makes a record request shall submit
- 1157 to the governmental entity that retains the record a written request containing:
- 1158 (i) the person's:
- 1159 (A) name;
- 1160 (B) mailing address;
- 1161 (C) email address, if the person has an email address and is willing to accept
- 1162 communications by email relating to the person's [~~records request~~] record
- 1163 request; and
- 1164 (D) daytime telephone number; and
- 1165 (ii) a description of the record requested that identifies the record with reasonable
- 1166 specificity.
- 1167 (b)(i) A single record request may not be submitted to multiple governmental entities.
- 1168 (ii) Subsection (1)(b)(i) [~~may not be construed to~~] does not prevent a person from
- 1169 submitting a separate record request to [~~each of~~] multiple governmental entities,
- 1170 even if each [~~of the separate requests~~] separate request seeks access to the same
- 1171 record.
- 1172 (c) When making a record request, the requester may seek an expedited response to the
- 1173 request if the requester provides an explanation of how the expedited response
- 1174 benefits the public rather than the requester.
- 1175 (2)(a) In response to a [~~request for a record~~] record request, a governmental entity may
- 1176 not provide a record that [~~it has received~~] the governmental entity receives under
- 1177 Section 63G-2-206 as a shared record.
- 1178 (b) If a governmental entity is prohibited from providing a record under Subsection (2)(a),
- 1179 the governmental entity shall:
- 1180 (i) deny the [~~records~~] record request; and
- 1181 (ii) [~~inform the person making the request of the identity~~] provide the requester with
- 1182 the name of the governmental entity from which the shared record was received.
- 1183 (3) A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah
- 1184 Administrative Rulemaking Act, specifying where and to whom [~~requests for access~~
- 1185 ~~shall be~~] a record request is directed.
- 1186 [~~(4) After receiving a request for a record, a governmental entity shall:~~]

- 1187 ~~[(a) review each request that seeks an expedited response and notify, within five~~
1188 ~~business days after receiving the request, each requester that has not demonstrated~~
1189 ~~that their record request benefits the public rather than the person that their response~~
1190 ~~will not be expedited; and]~~
- 1191 ~~[(b) as soon as reasonably possible, but no later than 10 business days after receiving a~~
1192 ~~written request, or five business days after receiving a written request if the requester~~
1193 ~~demonstrates that expedited response to the record request benefits the public rather~~
1194 ~~than the person:]~~
- 1195 ~~[(i) approve the request and provide a copy of the record;]~~
- 1196 ~~[(ii) deny the request in accordance with the procedures and requirements of Section~~
1197 ~~63G-2-205;]~~
- 1198 ~~[(iii) notify the requester that it does not maintain the record requested and provide, if~~
1199 ~~known, the name and address of the governmental entity that does maintain the~~
1200 ~~record; or]~~
- 1201 ~~[(iv) notify the requester that because of one of the extraordinary circumstances listed~~
1202 ~~in Subsection (6), it cannot immediately approve or deny the request, and include~~
1203 ~~with the notice:]~~
- 1204 ~~[(A) a description of the circumstances that constitute the extraordinary~~
1205 ~~circumstances; and]~~
- 1206 ~~[(B) the date when the records will be available, consistent with the requirements~~
1207 ~~of Subsection (7).]~~
- 1208 ~~[(5)]~~ (4) After a governmental entity receives a written record request, if the requester seeks
1209 an expedited response in accordance with Subsection (1)(c), the governmental entity
1210 shall:
- 1211 (a) review the request to determine if an expedited response:
- 1212 (i) is warranted, because the expedited response benefits the public rather than the
1213 requester as described in Subsection (1)(c); and
- 1214 (ii) is reasonably possible under the circumstances;
- 1215 (b) no later than five business days after the day on which the governmental entity
1216 receives the request:
- 1217 (i) if the governmental entity determines that an expedited response is warranted and
1218 reasonably possible under the circumstances, respond to the record request in
1219 accordance with the requirements of this chapter; or
- 1220 (ii) if the governmental entity determines that an expedited response is not warranted

- 1221 or is not reasonably possible under the circumstances:
- 1222 (A) deny the request for an expedited response;
- 1223 (B) notify the requester of the determination and the grounds for the
- 1224 determination; and
- 1225 (C) inform the requester that the governmental entity will respond to the record
- 1226 request as a non-expedited request, in accordance with the requirements of law;
- 1227 and
- 1228 (c) if the governmental entity denies the request for an expedited response under
- 1229 Subsection (4)(b)(ii), respond to the record request under Subsection (5).
- 1230 (5) After a governmental entity receives a record request, if the requester does not seek an
- 1231 expedited response in accordance with Subsection (1)(c), or if the governmental entity
- 1232 denies a request for an expedited response under Subsection (4)(b)(ii), the governmental
- 1233 entity shall, no later than 15 business days after the day on which the governmental
- 1234 entity receives the request:
- 1235 (a) approve the request and provide the requester with a copy of the record;
- 1236 (b) approve the request, subject to the payment of a fee in accordance with Section
- 1237 63G-2-203;
- 1238 (c) deny the request in accordance with Section 63G-2-205;
- 1239 (d) notify the requester that the governmental entity does not retain the record and
- 1240 provide the requester with the name and address of the governmental entity that
- 1241 maintains the record, if known;
- 1242 (e) notify the requester that the governmental entity:
- 1243 (i) conducted a reasonable search for the record; and
- 1244 (ii) was unable to locate a record that is responsive to the request; or
- 1245 (f) notify the requester that because of an exceptional circumstance, as described in
- 1246 Subsection (7), the governmental entity is unable to immediately approve or deny the
- 1247 record request, and include with the notice:
- 1248 (i) a description of the circumstance that constitutes the exceptional circumstance; and
- 1249 (ii) the anticipated date when the record request will be fulfilled.
- 1250 (6) [Any person who requests a record] A media representative who makes a record request
- 1251 to obtain information for a story or report for publication or broadcast to the general
- 1252 public is presumed to be acting to benefit the public rather than [a person] the media
- 1253 representative.
- 1254 [(6)] (7) The following circumstances constitute ["extraordinary circumstances"] exceptional

- 1255 circumstances that allow a governmental entity to delay approval or denial by an
 1256 additional period of time as [~~specified~~] described in Subsection [~~(7)~~] (8) if the
 1257 governmental entity determines that, due to the [~~extraordinary circumstances it~~]
 1258 exceptional circumstances, the governmental entity cannot respond within the time [~~]~~
 1259 limits provided in Subsection (4)] described in Subsection (5):
- 1260 (a) another governmental entity is using the record, in which case the originating
 1261 governmental entity shall promptly request that the governmental entity currently in
 1262 possession return the record;
 - 1263 (b) another governmental entity is using the record as part of an audit, and returning the
 1264 record before the completion of the audit would impair the conduct of the audit;
 - 1265 (c)(i) the request is for a voluminous quantity of records or a record series containing
 1266 a substantial number of records; or
 - 1267 (ii) the requester seeks a substantial number of records or records series in requests
 1268 filed within five working days of each other;
 - 1269 (d) the governmental entity is currently processing a large number of records requests;
 - 1270 (e) the request requires the governmental entity to review a large number of records to
 1271 locate the records requested;
 - 1272 (f) the decision to release a record involves legal issues that require the governmental
 1273 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations,
 1274 or case law;
 - 1275 (g) segregating information that the requester is entitled to inspect from information that
 1276 the requester is not entitled to inspect requires extensive time or editing; or
 - 1277 (h) segregating information that the requester is entitled to inspect from information that
 1278 the requester is not entitled to inspect requires computer programming.
- 1279 [~~(7)~~] (8) [~~If one of the extraordinary circumstances listed~~] If an exceptional circumstance
 1280 described in Subsection [~~(6)~~] (7) precludes approval or denial within the time [~~specified~~
 1281 ~~in Subsection (4)] described in Subsection (5), the following time limits apply to the [~~]~~
 1282 ~~extraordinary circumstances]~~ exceptional circumstance:~~
- 1283 (a) for claims under Subsection [~~(6)(a)~~] (7)(a), the governmental entity currently in
 1284 possession of the record shall return the record to the originating entity within five
 1285 business days [~~of~~] after the day of the request for the return, unless returning the
 1286 record would impair the [~~holder's~~] governmental entity's work;
 - 1287 (b) for claims under Subsection [~~(6)(b)~~] (7)(b), the originating governmental entity shall
 1288 notify the requester when the record is available for inspection and copying;

- 1289 (c) for claims under [~~Subsections (6)(c), (d), and (e)~~] Subsection (7)(c), (d), or (e), the
 1290 governmental entity shall:
- 1291 (i) disclose the records [~~that it has located which~~] the governmental entity locates that
 1292 the requester is entitled to inspect;
- 1293 (ii) provide the requester with [~~an estimate of the amount of time it will take to finish~~
 1294 ~~the work required~~] a time estimate that the governmental entity needs to respond to
 1295 the request;
- 1296 (iii) complete the work and disclose those records that the requester is entitled to
 1297 inspect as soon as reasonably possible; and
- 1298 (iv) for [~~any person~~] a person that does not establish a right to an expedited response
 1299 as [~~authorized by~~] described in Subsection (4), a governmental entity may [~~choose~~
 1300 ~~to~~]:
- 1301 (A) require the person to [~~provide for copying of the records as provided~~] copy the
 1302 records as described in Subsection 63G-2-201(10); or
- 1303 (B) [~~treat a request for multiple records as separate record requests, and respond~~
 1304 ~~sequentially to each request;~~] treat a request for multiple records as multiple
 1305 requests and respond to each request separately;
- 1306 (d) for claims under Subsection [~~(6)(f)~~] (7)(f), the governmental entity shall either
 1307 approve or deny the request within five business days after the [~~response time~~
 1308 ~~specified for the original request has expired~~] day of the deadline described in
 1309 Subsection (5);
- 1310 (e) for claims under Subsection [~~(6)(g)~~] (7)(g), the governmental entity shall, to the
 1311 extent reasonably possible, fulfill the request [~~within 15~~] no later than 20 business
 1312 days [~~from the date of the original request~~] after the day on which the governmental
 1313 entity receives the request; or
- 1314 (f) for claims under Subsection [~~(6)(h)~~] (7)(h), the governmental entity shall complete [~~its~~]
 1315 the necessary computer programming and disclose the requested records as soon as
 1316 reasonably possible and no later than 12 months from the day the governmental entity
 1317 receives the request.
- 1318 [(8)] (9)(a) [~~If a request for access is submitted to~~] If an office of a governmental entity,
 1319 other than that specified by rule in accordance with Subsection (3), receives a record
 1320 request, the office shall promptly forward the request to the appropriate office.
- 1321 (b) If the request is forwarded promptly, the time limit for response begins when the
 1322 request is received by the office specified by rule.

1323 ~~[(9)] (10) [If the governmental entity fails to provide the requested records or issue a denial~~
 1324 ~~within the specified time period, that failure is considered the equivalent of a~~
 1325 ~~determination denying access to the record.] If a governmental entity fails to respond to a~~
 1326 ~~record request within the time allowed under this section, the failure to respond is~~
 1327 ~~considered an access denial, as defined in Section 63G-2-400.5.~~

1328 Section 10. Section **63G-2-301** is amended to read:

1329 **63G-2-301 . Public records.**

1330 (1) As used in this section:

1331 (a) "Business address" means a single address of a governmental agency designated for
 1332 the public to contact an employee or officer of the governmental agency.

1333 (b) "Business email address" means a single email address of a governmental agency
 1334 designated for the public to contact an employee or officer of the governmental
 1335 agency.

1336 (c) "Business telephone number" means a single telephone number of a governmental
 1337 agency designated for the public to contact an employee or officer of the
 1338 governmental agency.

1339 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1340 (2) The following records are public except to the extent they contain information expressly
 1341 permitted to be treated confidentially under the provisions of Subsections
 1342 63G-2-201(3)(b) and (6)(a):

1343 (a) laws;

1344 (b) the name, gender, gross compensation, job title, job description, business address,
 1345 business email address, business telephone number, number of hours worked per pay
 1346 period, dates of employment, and relevant education, previous employment, and
 1347 similar job qualifications of a current or former employee or officer of the
 1348 governmental entity, excluding:

1349 (i) undercover law enforcement personnel; and

1350 (ii) investigative personnel if disclosure could reasonably be expected to impair the
 1351 effectiveness of investigations or endanger any individual's safety;

1352 (c) final opinions, including concurring and dissenting opinions, and orders that are
 1353 made by a governmental entity in an administrative, adjudicative, or judicial
 1354 proceeding except that if the proceedings were properly closed to the public, the
 1355 opinion and order may be withheld to the extent that they contain information that is
 1356 private, controlled, or protected;

- 1357 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1358 protected as provided in Subsection 63G-2-305(17) or (18);
- 1359 (e) information contained in or compiled from a transcript, minutes, or report of the open
1360 portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,
1361 Open and Public Meetings Act, including the records of all votes of each member of
1362 the governmental entity;
- 1363 (f) judicial records unless a court orders the records to be restricted under the rules of
1364 civil or criminal procedure or unless the records are private under this chapter;
- 1365 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
1366 records filed with or maintained by county recorders, clerks, treasurers, surveyors,
1367 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and
1368 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the
1369 Division of Water Rights, or other governmental entities that give public notice of:
- 1370 (i) titles or encumbrances to real property;
- 1371 (ii) restrictions on the use of real property;
- 1372 (iii) the capacity of persons to take or convey title to real property; or
- 1373 (iv) tax status for real and personal property;
- 1374 (h) records of the Department of Commerce that evidence incorporations, mergers, name
1375 changes, and uniform commercial code filings;
- 1376 (i) data on individuals that would otherwise be private under this chapter if the
1377 individual who is the subject of the record has given the governmental entity written
1378 permission to make the records available to the public;
- 1379 (j) documentation of the compensation that a governmental entity pays to a contractor or
1380 private provider;
- 1381 (k) summary data;
- 1382 (l) voter registration records, including an individual's voting history, except for a voter
1383 registration record or those parts of a voter registration record that are classified as
1384 private under Subsections 63G-2-302(1)(j) through (m) or withheld under Subsection
1385 20A-2-104(7);
- 1386 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1387 available, and email address, if available, where that elected official may be reached
1388 as required in Title 11, Chapter 47, Access to Elected Officials;
- 1389 (n) for a school community council member, a telephone number, if available, and email
1390 address, if available, where that elected official may be reached directly as required

- 1391 in Section 53G-7-1203;
- 1392 (o) annual audited financial statements of the Utah Educational Savings Plan described
1393 in Section 53B-8a-111; and
- 1394 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1395 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1396 (3) The following records are normally public, but to the extent that a record is expressly
1397 exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1398 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1399 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1400 (b) records documenting a contractor's or private provider's compliance with the terms
1401 of a contract with a governmental entity;
- 1402 (c) records documenting the services provided by a contractor or a private provider to
1403 the extent the records would be public if prepared by the governmental entity;
- 1404 (d) contracts entered into by a governmental entity;
- 1405 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1406 by a governmental entity;
- 1407 (f) records relating to government assistance or incentives publicly disclosed, contracted
1408 for, or given by a governmental entity, encouraging a person to expand or relocate a
1409 business in Utah, except as provided in Subsection 63G-2-305(35);
- 1410 (g) subject to Subsection (5), chronological logs and initial contact reports;
- 1411 (h) correspondence by and with a governmental entity in which the governmental entity
1412 determines or states an opinion upon the rights of the state, a political subdivision,
1413 the public, or any person;
- 1414 (i) empirical data contained in drafts if:
- 1415 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1416 form; and
- 1417 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1418 make nonsubstantive changes before release;
- 1419 (j) drafts that are circulated to anyone other than:
- 1420 (i) a governmental entity;
- 1421 (ii) a political subdivision;
- 1422 (iii) a federal agency if the governmental entity and the federal agency are jointly
1423 responsible for implementation of a program or project that has been legislatively
1424 approved;

- 1425 (iv) a government-managed corporation; or
1426 (v) a contractor or private provider;
- 1427 (k) drafts that have never been finalized but were relied upon by the governmental entity
1428 in carrying out action or policy;
- 1429 (l) original data in a computer program if the governmental entity chooses not to
1430 disclose the program;
- 1431 (m) arrest warrants after issuance, except that, for good cause, a court may order
1432 restricted access to arrest warrants prior to service;
- 1433 (n) search warrants after execution and filing of the return, except that a court, for good
1434 cause, may order restricted access to search warrants prior to trial;
- 1435 (o) records that would disclose information relating to formal charges or disciplinary
1436 actions against a past or present governmental entity employee if:
- 1437 (i) the disciplinary action has been completed and all time periods for administrative
1438 appeal have expired; and
- 1439 (ii) the charges on which the disciplinary action was based were sustained;
- 1440 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and
1441 Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1442 evidence mineral production on government lands;
- 1443 (q) final audit reports;
- 1444 (r) occupational and professional licenses;
- 1445 (s) business licenses;
- 1446 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
1447 records used to initiate proceedings for discipline or sanctions against persons
1448 regulated by a governmental entity, but not including records that initiate employee
1449 discipline; and
- 1450 (u)(i) records that disclose a standard, regulation, policy, guideline, or rule regarding
1451 the operation of a correctional facility or the care and control of inmates
1452 committed to the custody of a correctional facility; and
- 1453 (ii) records that disclose the results of an audit or other inspection assessing a
1454 correctional facility's compliance with a standard, regulation, policy, guideline, or
1455 rule described in Subsection (3)(u)(i).
- 1456 (4) The list of public records in this section is not exhaustive and should not be used to limit
1457 access to records.
- 1458 (5)(a) Subject to Subsection (5)(b), if information of the type described in Subsections

1459 63G-2-103(16)(a)(i) through (vi) appears in a follow-up or investigative report
 1460 described in Subsection 63G-2-103(16)(b), the information contained in the
 1461 follow-up or investigative report is public, unless the information is private,
 1462 controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
 1463 (b) If a follow-up or investigative report described in Subsection 63G-2-103(16)(b) is
 1464 expressly exempt from disclosure, the exemption and restriction of access described
 1465 in Subsection (3) does not change based on the follow-up or investigative report
 1466 containing any information included in an initial contact report that is a public record.

1467 Section 11. Section **63G-2-400.5** is amended to read:

1468 **63G-2-400.5 . Definitions.**

1469 As used in this part:

1470 (1) "Access denial" means a governmental entity's denial, under Subsection [~~63G-2-204(9)~~]
 1471 63G-2-204(10) or Section 63G-2-205, in whole or in part, of a record request.

1472 [~~(2) "Appellate affirmation" means a decision of a chief administrative officer, local~~
 1473 ~~appeals board, or State Records Committee affirming an access denial.]~~

1474 [~~(3)~~] (2) "Interested party" means a person, other than a requester, who is aggrieved by an
 1475 access denial or [~~an appellate~~] a respondent affirmation, regardless of whether [~~or not~~]
 1476 the person participated in proceedings leading to the access denial or [~~appellate~~]
 1477 respondent affirmation.

1478 [~~(4)~~] (3) "Local appeals board" means an appeals board established by a political
 1479 subdivision under Subsection 63G-2-701(5)(c).

1480 [~~(5)~~] (4) "Record request" means a [~~request for a~~]record request under Section 63G-2-204.

1481 [~~(6)~~] (5) "Records committee [~~appellant~~] petitioner" means:

1482 (a) a political subdivision that seeks to appeal [~~a decision of~~]a local appeals board
 1483 decision to the State Records Committee; or

1484 (b) a requester or interested party who seeks to appeal [~~to the State Records Committee a~~
 1485 ~~decision affirming an access denial~~] an access denial to the State Records Committee.

1486 [~~(7)~~] (6) "Requester" means a person who submits a record request to a governmental entity.

1487 (7) "Respondent affirmation" means a decision of a chief administrative officer, local
 1488 appeals board, or State Records Committee affirming an access denial.

1489 Section 12. Section **63G-2-401** is amended to read:

1490 **63G-2-401 . Appeal to chief administrative officer -- Notice of the decision of the**
 1491 **appeal.**

1492 (1)(a) A requester or interested party may appeal an access denial or the denial of a fee

- 1493 waiver under Subsection 63G-2-203(4) to the chief administrative officer of the
1494 governmental entity by filing a notice of appeal with the chief administrative officer
1495 within 30 days after:
- 1496 (i) for an access denial:
- 1497 (A) the governmental entity sends a notice of denial under Section 63G-2-205, if
1498 the governmental entity denies a record request under Subsection 63G-2-205
1499 (1); or
- 1500 (B) the record request is considered denied under Subsection [~~63G-2-204(9)~~
1501 63G-2-204(10)], if that subsection applies; or
- 1502 (ii) for a denial of a fee waiver, the date the governmental entity notifies the requester
1503 that the fee waiver is denied.
- 1504 (b) If a governmental entity claims [~~extraordinary~~] exceptional circumstances and
1505 specifies the date when the records will be available under Subsection 63G-2-204(4),
1506 and, if the requester believes the [~~extraordinary~~] exceptional circumstances do not
1507 exist or that the date specified is unreasonable, the requester may appeal the
1508 governmental entity's claim of [~~extraordinary~~] exceptional circumstances or date for
1509 compliance to the chief administrative officer by filing a notice of appeal with the
1510 chief administrative officer within 30 days after notification of a claim of [
1511 ~~extraordinary~~] exceptional circumstances by the governmental entity, despite the lack
1512 of a "determination" or its equivalent under Subsection [~~63G-2-204(9)~~] 63G-2-204(10).
- 1513 (2) A notice of appeal shall contain:
- 1514 (a) the name, mailing address, and daytime telephone number of the requester or
1515 interested party; and
- 1516 (b) the relief sought.
- 1517 (3) The requester or interested party may file a short statement of facts, reasons, and legal
1518 authority in support of the appeal.
- 1519 (4)(a) If the appeal involves a record that is the subject of a business confidentiality
1520 claim under Section 63G-2-309, the chief administrative officer shall:
- 1521 (i) send notice of the appeal to the business confidentiality claimant within three
1522 business days after receiving notice, except that if notice under this section must
1523 be given to more than 35 persons, it shall be given as soon as reasonably possible;
1524 and
- 1525 (ii) send notice of the business confidentiality claim and the schedule for the chief
1526 administrative officer's determination to the requester or interested party within

- 1527 three business days after receiving notice of the appeal.
- 1528 (b) The business confidentiality claimant shall have seven business days after notice is
1529 sent by the administrative officer to submit further support for the claim of business
1530 confidentiality.
- 1531 (5)(a) The chief administrative officer shall make a decision on the appeal within:
- 1532 (i)(A) 10 business days after the chief administrative officer's receipt of the notice
1533 of appeal; or
- 1534 (B) five business days after the chief administrative officer's receipt of the notice
1535 of appeal, if the requester or interested party demonstrates that an expedited
1536 decision benefits the public rather than the requester or interested party; or
- 1537 (ii) 12 business days after the governmental entity sends the notice of appeal to a
1538 person who submitted a claim of business confidentiality.
- 1539 (b)(i) If the chief administrative officer fails to make a decision on an appeal of an
1540 access denial within the time specified in Subsection (5)(a), the failure is the
1541 equivalent of a decision affirming the access denial.
- 1542 (ii) If the chief administrative officer fails to make a decision on an appeal under
1543 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the
1544 equivalent of a decision affirming the claim of [~~extraordinary~~] exceptional
1545 circumstances or the reasonableness of the date specified when the records will be
1546 available.
- 1547 (c) [~~The provisions of this section notwithstanding~~] Notwithstanding any other provision
1548 of this section, the parties participating in the proceeding may, by agreement, extend
1549 the time periods specified in this section.
- 1550 (6) Except as provided in Section 63G-2-406, the chief administrative officer may, upon
1551 consideration and weighing of the various interests and public policies [~~pertinent~~] related
1552 to the classification and disclosure or nondisclosure of a record, order the disclosure of
1553 information properly classified as private under Subsection 63G-2-302(2) or protected
1554 under Section 63G-2-305 if the interests favoring access are greater than or equal to the
1555 interests favoring restriction of access.
- 1556 (7)(a) The governmental entity shall [~~send~~] provide written notice of the chief
1557 administrative officer's decision to all participants.
- 1558 (b) If the chief administrative officer's decision is to affirm the access denial in whole or
1559 in part or to affirm the fee waiver denial, the notice under Subsection (7)(a) shall
1560 include:

- 1561 (i) a statement that the requester has a right under Section 63A-12-111 to request the
 1562 government records ombudsman to mediate the dispute between the requester and
 1563 the governmental entity concerning the access denial or the fee waiver denial;
- 1564 (ii) a statement that the requester or interested party has the right to appeal the
 1565 decision, as provided in Section 63G-2-402, to:
- 1566 (A) the State Records Committee or district court; or
 1567 (B) the local appeals board, if the governmental entity is a political subdivision
 1568 and the governmental entity has established a local appeals board;
- 1569 (iii) the time limits for filing an appeal described in Subsection (7)(b)(ii), including
 1570 an explanation of a suspension of the time limits, as provided in Subsections
 1571 63G-2-403(1)(c) and 63G-2-404(1)(b), for a requester if the requester seeks
 1572 mediation under Section 63A-12-111; and
- 1573 (iv) the name and business address of:
- 1574 (A) the executive secretary of the State Records Committee;
 1575 (B) the individual designated as the contact individual for the appeals board, if the
 1576 governmental entity is a political subdivision that has established an appeals
 1577 board under Subsection 63G-2-701(5)(c); and
 1578 (C) the government records ombudsman.

1579 [~~(8) A person aggrieved by a governmental entity's classification or designation~~
 1580 ~~determination under this chapter, but who is not requesting access to the records, may~~
 1581 ~~appeal that determination using the procedures provided in this section. If a~~
 1582 ~~nonrequester is the only appellant, the procedures provided in this section shall apply,~~
 1583 ~~except that the decision on the appeal shall be made within 30 days after receiving the~~
 1584 ~~notice of appeal.]~~

1585 [(9)] (8)(a) Except as provided in Subsection (8)(b), an interested party who is aggrieved
 1586 by a governmental entity's record classification or designation under this chapter may
 1587 appeal the governmental entity's determination as provided in this section.
 1588 (b) If a governmental entity receives a notice of appeal as described in Subsection (8)(a),
 1589 and the interested party is the only petitioner, the chief administrative officer shall
 1590 respond no later than 30 days after the day on which the chief administrative officer
 1591 receives notice of the appeal.

1592 (9) The duties of the chief administrative officer under this section may be delegated.

1593 Section 13. Section **63G-2-403** is amended to read:

1594 **63G-2-403 . Appeals to the State Records Committee.**

- 1595 (1)(a) A records committee [~~appellant~~] petitioner appeals to the State Records Committee
1596 by filing a notice of appeal with the executive secretary of the State Records
1597 Committee no later than 30 days after the date of issuance of the decision being
1598 appealed.
- 1599 (b) Notwithstanding Subsection (1)(a), a requester may file a notice of appeal with the
1600 executive secretary of the State Records Committee no later than 45 days after the
1601 day on which the record request is made if:
- 1602 (i) the circumstances described in Subsection 63G-2-401(1)(b) occur; and
1603 (ii) the chief administrative officer fails to make a decision under Section 63G-2-401.
- 1604 (c) The time for a requester to file a notice of appeal under Subsection (1)(a) or (b) is
1605 suspended for the period of time that:
- 1606 (i) begins the date the requester submits a request under Section 63A-12-111 for the
1607 government records ombudsman to mediate the dispute between the requester and
1608 the governmental entity; and
1609 (ii) ends the earlier of the following dates:
- 1610 (A) the date that the government records ombudsman certifies in writing that the
1611 mediation is concluded; or
1612 (B) the date that the government records ombudsman certifies in writing that the
1613 mediation did not occur or was not concluded because of a lack of the required
1614 consent.
- 1615 (2) The notice of appeal shall:
- 1616 (a) contain the name, mailing address, and daytime telephone number of the records
1617 committee [~~appellant~~] petitioner;
- 1618 (b) be accompanied by a copy of the decision being appealed; and
1619 (c) state the relief sought.
- 1620 (3) The records committee [~~appellant~~] petitioner:
- 1621 (a) shall, on the day on which the notice of appeal is filed with the State Records
1622 Committee, serve a copy of the notice of appeal on:
- 1623 (i) the governmental entity whose access denial or fee waiver denial is the subject of
1624 the appeal, if the records committee appellant is a requester or interested party; or
1625 (ii) the requester or interested party who is a party to the local appeals board
1626 proceeding that resulted in the decision that the political subdivision is appealing
1627 to the committee, if the records committee appellant is a political subdivision; and
1628 (b) may file a short statement of facts, reasons, and legal authority in support of the

1629 appeal.

1630 (4)(a) Except as provided in Subsections (4)(b) and (c), no later than seven business
 1631 days after ~~[receiving a notice of appeal, the executive secretary of the State Records~~
 1632 ~~Committee]~~ the day on which the executive secretary of the State Records Committee
 1633 receives a notice of appeal, the executive secretary shall:

1634 (i) schedule a hearing for the State Records Committee to discuss the appeal at the
 1635 next regularly scheduled committee meeting falling at least 16 days after the date
 1636 the notice of appeal is filed but no ~~[longer than 64]~~ later than 90 calendar days
 1637 after the [date] day on which the notice of appeal was filed, except that the
 1638 committee may schedule an expedited hearing upon application of the records
 1639 committee ~~[appellant]~~ petitioner and for good cause shown;

1640 (ii) send a copy of the notice of hearing to the records committee ~~[appellant]~~ petitioner;
 1641 and

1642 (iii) send a copy of the notice of appeal, supporting statement, and a notice of hearing
 1643 to:

1644 (A) each member of the State Records Committee;

1645 (B) the records officer and the chief administrative officer of the governmental
 1646 entity whose access denial is the subject of the appeal, if the records committee [~~appellant]~~ petitioner is a requester or interested party; and

1647 ~~[(C) any person who made a business confidentiality claim under Section~~
 1648 ~~63G-2-309 for a record that is the subject of the appeal; and]~~

1650 ~~[(D)]~~ (C) [all persons] any person who participated in the proceedings before the
 1651 governmental entity's chief administrative officer, if the appeal is of the chief
 1652 administrative officer's decision affirming an access denial.

1653 (b)~~[(f)]~~ The executive secretary, with approval of the State Records Committee chair,
 1654 may decline to schedule a hearing if the record series that is the subject of the
 1655 appeal [has been found by the committee in a previous hearing involving the same
 1656 governmental entity to be appropriately classified as private, controlled, or
 1657 protected] is substantially similar to an appeal previously decided by the State
 1658 Records Committee.

1659 (c) If, in accordance with Subsection (4)(b), the executive secretary declines to schedule
 1660 a hearing, the State Records Committee members may vote at the next regular
 1661 meeting to:

1662 (i) render a decision and enter an order consistent with the previous decision; and

- 1663 (ii) provide the parties with notice of:
- 1664 (A) the decision and order; and
- 1665 (B) the right to appeal the decision and order, as described in Subsection (15).
- 1666 [(ii)] (iii)(A) If the executive secretary [~~of the State Records Committee~~] declines
- 1667 to schedule a hearing, the executive secretary shall send a notice to the records
- 1668 committee [~~appellant~~] petitioner indicating that the request for hearing has been
- 1669 denied and the reason for the denial.
- 1670 (B) The State Records Committee shall make rules to implement the procedures
- 1671 described in this section [as provided by] in accordance with Title 63G, Chapter
- 1672 3, Utah Administrative Rulemaking Act.
- 1673 [(e)] (d) The executive secretary [~~of the State Records Committee~~] may schedule a
- 1674 hearing on an appeal to the State Records Committee at a regularly scheduled State
- 1675 Records Committee meeting that is later than the period described in Subsection
- 1676 (4)(a)(i) if [~~that~~] the committee meeting is the first regularly scheduled State Records
- 1677 Committee meeting at which there are fewer than 10 appeals scheduled to be heard.
- 1678 (5)(a) No later than five business days before the day of the hearing, [~~a governmental~~
- 1679 entity shall submit to the executive secretary of the State Records Committee] each
- 1680 party shall provide the executive secretary with a written statement of facts, reasons,
- 1681 and legal authority in support of the [~~governmental entity's~~] party's position.
- 1682 (b)(i) The governmental entity shall send a copy of the written statement [~~by first~~
- 1683 class mail, postage prepaid,] to the requester or interested party involved in the
- 1684 appeal by email.
- 1685 (ii) The executive secretary shall forward a copy of the written statement to each
- 1686 member of the State Records Committee.
- 1687 (6)(a) No later than [~~10~~] 15 business days [~~after the day on which the executive secretary~~
- 1688 sends the notice of appeal] before the day of the hearing, a person whose legal
- 1689 interests may be substantially affected by the proceeding may file a request for
- 1690 intervention with the State Records Committee.
- 1691 (b) Any written statement of facts, reasons, and legal authority in support of the
- 1692 intervener's position shall be filed with the request for intervention.
- 1693 (c) The person seeking intervention shall provide copies of the statement described in
- 1694 Subsection (6)(b) to all parties to the proceedings before the State Records
- 1695 Committee.
- 1696 (7) The State Records Committee shall hold a hearing within the period of time described in

- 1697 Subsection (4).
- 1698 (8)(a) At the hearing, the State Records Committee shall allow the parties to testify,
1699 present evidence, and comment on the issues.
- 1700 (b) The committee may allow other interested persons to comment on the issues.
- 1701 (9)(a)(i) The State Records Committee:
- 1702 (A) may review the disputed records; and
- 1703 (B) shall review the disputed records, if the committee is weighing the various
1704 interests under Subsection (11).
- 1705 (ii) A review of the disputed records under Subsection (9)(a)(i) shall be in camera.
- 1706 (b) Members of the State Records Committee may not disclose any information or
1707 record reviewed by the committee in camera unless the disclosure is otherwise
1708 authorized ~~[by]~~ under this chapter.
- 1709 (10)(a) ~~[Discovery is prohibited, but the]~~ The State Records Committee may issue
1710 subpoenas or other orders to compel production of necessary evidence.
- 1711 (b) When the subject of a State Records Committee subpoena disobeys or fails to
1712 comply with the subpoena, the committee may file a motion for an order to compel [
1713 ~~obedience to the subpoena~~]with the district court.
- 1714 (c)(i) The State Records Committee's review shall be de novo, if the appeal is an
1715 appeal from a decision of a chief administrative officer:
- 1716 (A) issued under Section 63G-2-401; or
- 1717 (B) issued by a chief administrative officer of a political subdivision that has not
1718 established a local appeals board.
- 1719 (ii) For an appeal from a decision of a local appeals board, the State Records
1720 Committee shall review and consider the decision of the local appeals board.
- 1721 (11)(a) No later than seven business days after the day of the hearing, the State Records
1722 Committee shall issue a signed order:
- 1723 (i) granting the relief sought, in whole or in part; or
- 1724 (ii) upholding the governmental entity's access denial, in whole or in part.
- 1725 (b) Except as provided in Section 63G-2-406, the State Records Committee may, upon
1726 consideration and weighing of the various interests and public policies [~~pertinent~~]
1727 relating to the classification and disclosure or nondisclosure of a record, order the
1728 disclosure of information properly classified as private, controlled, or protected if the
1729 public interest favoring access is greater than or equal to the interest favoring
1730 restriction of access.

- 1731 (c) In making a determination under Subsection (11)(b), the State Records Committee
 1732 shall consider and, where appropriate, limit the requester's or interested party's use
 1733 and further disclosure of the record in order to protect:
- 1734 (i) privacy interests in the case of a private or controlled record;
 - 1735 (ii) business confidentiality interests in the case of a record protected under
 1736 Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
 - 1737 (iii) privacy interests or the public interest in the case of other protected records.
- 1738 (12) The order of the State Records Committee shall include:
- 1739 (a) a statement of reasons for the decision, including citations to this chapter, court rule
 1740 or order, another state statute, federal statute, or federal regulation that governs
 1741 disclosure of the record, if the citations do not disclose private, controlled, or
 1742 protected information;
 - 1743 (b) a description of the record or portions of the record to which access was ordered or
 1744 denied, if the description does not disclose private, controlled, or protected
 1745 information or information exempt from disclosure under Subsection 63G-2-201
 1746 (3)(b);
 - 1747 (c) a statement that any party to the proceeding before the State Records Committee may
 1748 appeal the committee's decision to district court; and
 - 1749 (d) a brief summary of the appeals process, the time limits for filing an appeal, and a
 1750 notice that in order to protect [its] a party's rights on appeal, the party may wish to
 1751 seek advice from an attorney.
- 1752 (13) If the State Records Committee fails to issue a decision within 73 calendar days of the
 1753 filing of the notice of appeal, that failure is the equivalent of an order denying the
 1754 appeal. A records committee appellant shall notify the State Records Committee in
 1755 writing if the records committee appellant considers the appeal denied.
- 1756 (14) A party to a proceeding before the State Records Committee may seek judicial review
 1757 in district court of a State Records Committee order by filing a petition for review [of
 1758 ~~the order~~] as provided in Section 63G-2-404.
- 1759 (15)(a) Unless [~~a notice of intent to~~] an appeal is filed under Subsection [~~(15)(b)~~] (14),
 1760 each party to the proceeding shall comply with the order of the State Records
 1761 Committee.
- 1762 [~~(b) If a party disagrees with the order of the State Records Committee, that party may~~
 1763 ~~file a notice of intent to appeal the order.~~]
- 1764 [(e)] (b) If the State Records Committee orders the governmental entity to produce a

1765 record and no appeal is timely filed, or if, as a result of the appeal, the governmental
1766 entity is required to produce a record, the governmental entity shall:

1767 (i) produce the record; and

1768 (ii) file a notice of compliance with the committee.

1769 ~~[(d)]~~ (c)(i) If the governmental entity that is ordered to produce a record fails to file a
1770 notice of compliance or ~~[a notice of intent to]~~ to timely file an appeal, the State
1771 Records Committee may~~[do either or both of the following]:~~

1772 (A) impose a civil penalty of up to \$500 for each day of continuing
1773 noncompliance; or

1774 (B) send written notice of the governmental entity's noncompliance to the
1775 governor.

1776 (ii) In imposing a civil penalty under Subsection (15)(c)(i)(A), the State Records
1777 Committee shall consider the gravity and circumstances of the violation, including
1778 whether the failure to comply was due to neglect or was willful or intentional.

1779 (16)(a) The executive secretary may decline to schedule a hearing regarding a disputed
1780 fee, fee amount, or fee waiver if the executive secretary and the committee chair
1781 agree that the petition for hearing is without merit.

1782 (b) At the chair's direction, the executive secretary may request that the governmental
1783 entity provide information regarding how the fee was calculated.

1784 (17)(a) If the executive secretary declines to schedule a hearing under Subsection (16)(a),
1785 the executive secretary shall send a notice to the parties indicating:

1786 (i) that the request for a hearing has been denied; and

1787 (ii) whether the petition is granted or denied.

1788 (b) The committee shall:

1789 (i) vote at the next regular meeting to accept or reject the recommendation to respond
1790 to the petition without a hearing; and

1791 (ii) issue an order that includes the reasons for the committee's decision to accept or
1792 reject the recommendation.

1793 Section 14. Section **63G-2-501** is amended to read:

1794 **63G-2-501 . State Records Committee created -- Membership -- Terms --**

1795 **Vacancies -- Expenses.**

1796 (1) ~~[There is created the State Records Committee within the Department of Government~~
1797 ~~Operations consisting of the following seven individuals]~~ The State Records Committee
1798 is created within the Department of Government Operations and consists of the

- 1799 following seven individuals:
- 1800 (a) an individual [~~in the private sector~~] whose profession requires the individual to [
 1801 ~~create or~~] manage records [~~that, if created by a governmental entity, would be private~~
 1802 ~~or controlled~~];
- 1803 (b) an individual with experience with [~~electronic records and databases, as~~
 1804 ~~recommended by a statewide technology advocacy organization that represents the~~
 1805 ~~public, private, and nonprofit sectors~~] databases or data management;
- 1806 (c) the director of the Division of Archives and Records Services or the director's
 1807 designee;
- 1808 (d) [~~two citizen members~~] one citizen member;
- 1809 (e) one [~~person~~] individual representing political subdivisions, as recommended by the
 1810 Utah League of Cities and Towns; [~~and~~]
- 1811 (f) one individual representing the news media[~~;~~] ; and
- 1812 (g) one individual with professional experience in law enforcement.
- 1813 (2) The governor shall appoint or reappoint the members described in [~~Subsections (1)(a),~~
 1814 ~~(b), (d), (e), and (f)~~] Subsection (1) with the advice and consent of the Senate in
 1815 accordance with Chapter 24, Part 2, Vacancies.
- 1816 (3)(a) Except as provided in Subsection (3)(b), the governor shall appoint each member
 1817 to a four-year term.
- 1818 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment or
 1819 reappointment, adjust the length of terms to ensure that the terms of committee
 1820 members are staggered so that approximately half of the committee is appointed
 1821 every two years.
- 1822 (c) Each appointed member is eligible for reappointment for one additional term.
- 1823 (4) When a vacancy occurs in the membership for any reason, the governor shall, with the
 1824 advice and consent of the Senate in accordance with Chapter 24, Part 2, Vacancies,
 1825 appoint a replacement for the unexpired term.
- 1826 (5) A member of the State Records Committee may not receive compensation or benefits
 1827 for the member's service on the committee, but may receive per diem and travel
 1828 expenses in accordance with:
- 1829 (a) Section 63A-3-106;
- 1830 (b) Section 63A-3-107; and
- 1831 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1832 (6) A member described in [~~Subsection (1)(a), (b), (d), (e), or (f)~~] Subsection (1) shall

1833 comply with the conflict of interest provisions described in Chapter 24, Part 3, Conflicts
1834 of Interest.

1835 Section 15. Section **63G-2-502** is amended to read:

1836 **63G-2-502 . State Records Committee -- Duties.**

1837 (1) The State Records Committee shall:

1838 (a) hear appeals from determinations of access under Section 63G-2-403;

1839 (b) hear appeals regarding disputed fees under Section 63G-2-203;

1840 [~~(b)~~] (c) determine disputes submitted by the state auditor under Subsection 67-3-1(17)(d);

1841 and

1842 [~~(c)~~] (d) appoint a chair from among the committee's members.

1843 (2) The State Records Committee may:

1844 (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

1845 Rulemaking Act, to govern the committee's proceedings; and

1846 (b) by order, after notice and hearing, reassign classification and designation for any
1847 record series by a governmental entity if the governmental entity's classification or
1848 designation is inconsistent with this chapter.

1849 (3)(a) The State Records Committee shall annually appoint an executive secretary to
1850 provide administrative support to the committee.

1851 (b) The executive secretary is not a voting member of the committee.

1852 (4) [~~Five~~] Four members of the State Records Committee are a quorum for the transaction of
1853 business.

1854 (5) The state archives shall provide staff and support services for the State Records
1855 Committee.

1856 (6)(a) If the State Records Committee reassigns the classification or designation of a
1857 record or record series under Subsection (2)(b), any affected governmental entity or
1858 any other interested [~~person~~] party may appeal the reclassification or redesignation to
1859 the district court.

1860 (b) The district court shall hear the matter de novo.

1861 (7) The Office of the Attorney General shall provide counsel to the State Records
1862 Committee.

1863 Section 16. Section **63G-2-604** is amended to read:

1864 **63G-2-604 . Retention and disposition of records.**

1865 (1)(a) Except for a governmental entity that is permitted to maintain the governmental
1866 entity's own retention schedules under Part 7, Applicability to Political Subdivisions,

1867 the Judiciary, the Legislature, and the Governor and Lieutenant Governor, each
 1868 governmental entity shall file with the Records Management Committee created in
 1869 Section 63A-12-112 a proposed schedule for the retention and disposition of each
 1870 type of material that is defined as a record under this chapter.

1871 (b) After a retention schedule is reviewed and approved by the Records Management
 1872 Committee under Subsection 63A-12-113(1)(b), the governmental entity shall
 1873 maintain and destroy records in accordance with the retention schedule.

1874 (c) If a governmental entity subject to the provisions of this ~~[section]~~ Subsection (1) has
 1875 not received an approved retention schedule from the Records Management
 1876 Committee for a specific type of material that is defined as a record under this
 1877 chapter, the general retention schedule maintained by the state archivist shall govern
 1878 the retention and destruction of that type of material.

1879 (2) A retention schedule that is filed with or approved by the Records Management
 1880 Committee under the requirements of this section is a public record.

1881 (3) A governmental entity shall, on an annual basis, before August 1:

1882 (a) review the governmental entity's records retention requirements;

1883 (b) update the governmental entity's records retention requirements, if needed;

1884 (c) determine whether the governmental entity is complying with the records retention
 1885 requirements; and

1886 (d) take necessary action to ensure compliance with the records retention requirements.

1887 Section 17. Section **63G-2-605** is enacted to read:

1888 **63G-2-605 . Employee education on government records requirements.**

1889 A governmental entity shall comply with the applicable employee education
 1890 requirements described in Section 63A-12-117.

1891 Section 18. Section **63G-2-701** is amended to read:

1892 **63G-2-701 . Political subdivisions may adopt ordinances in compliance with**
 1893 **chapter -- Appeal process.**

1894 (1) As used in this section:

1895 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.

1896 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.

1897 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

1898 (2)(a) Each political subdivision may adopt an ordinance or a policy [~~applicable~~
 1899 ~~throughout its jurisdiction]~~ within the political subdivision's jurisdiction relating to
 1900 information practices including classification, designation, access, denials,

- 1901 segregation, appeals, management, retention, and amendment of records.
- 1902 (b) The ordinance or policy shall:
- 1903 (i) comply with the criteria [set forth] described in this section[-] ;
- 1904 (ii) provide guidance to staff and elected officials regarding the use of a personal
- 1905 device or account when conducting government business;
- 1906 (iii) assign records management staff specific responsibilities related to records
- 1907 management; and
- 1908 (iv) be approved by the political subdivision's governing body.
- 1909 (c) A political subdivision shall:
- 1910 (i) regularly train staff and elected officials on the records retention ordinance or
- 1911 policy; and
- 1912 (ii) implement a process to monitor and encourage compliance with the ordinance or
- 1913 policy by staff and elected officials.
- 1914 ~~[(e)]~~ (d) ~~[If any]~~ A political subdivision that does not adopt and maintain an ordinance or
- 1915 policy[-, then that political subdivision] is subject to this chapter.
- 1916 ~~[(d)]~~ (e) Notwithstanding the adoption of an ordinance or policy, each political
- 1917 subdivision is subject to Part 1, General Provisions, Part 3, Classification, and
- 1918 Sections 63A-12-105, 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206,
- 1919 63G-2-601, and 63G-2-602.
- 1920 ~~[(e)]~~ (f) ~~[Every]~~ A political subdivision shall file the political subdivision's ordinance,
- 1921 policy, [or] and each amendment to the ordinance or policy [shall be filed-]with [the-]
- 1922 state archives no later than 30 days after [its] the effective date of the ordinance,
- 1923 policy, or amendment.
- 1924 ~~[(f)]~~ (g) The political subdivision shall ~~[also report to the state archives]~~ provide to state
- 1925 archives all retention schedules[-], and all designations and classifications applied to a
- 1926 record series [maintained by] that the political subdivision maintains.
- 1927 ~~[(g)]~~ (h)(i) ~~[The report required by Subsection (2)(f) is notification to state archives of~~
- 1928 ~~the political subdivision's retention schedules, designations, and classifications.~~
- 1929 ~~The report]~~ The information provided under Subsection (2)(g) is not subject to
- 1930 approval by state archives.
- 1931 (ii) If state archives determines that a different retention schedule is needed for state
- 1932 purposes, state archives shall notify the political subdivision of the state's retention
- 1933 schedule for the records and shall maintain the records if requested to do so under
- 1934 Subsection 63A-12-105(2).

- 1935 (3) Each political subdivision's ordinance or policy relating to information practices shall:
- 1936 (a) provide standards for [the] record classification and designation ~~[of the records of the~~
- 1937 ~~political subdivision]~~ as public, private, controlled, or protected in accordance with
- 1938 Part 3, Classification;
- 1939 (b) require [the] record classification ~~[of the records of the political subdivision]~~ in
- 1940 accordance with ~~[those]~~ the standards described in Subsection (3)(a);
- 1941 (c) provide guidelines for ~~[establishment of]~~ establishing fees in accordance with Section
- 1942 63G-2-203; and
- 1943 (d) provide management and retention standards ~~[for the management and retention of~~
- 1944 ~~the records of the political subdivision]~~ comparable to Section 63A-12-103.
- 1945 (4)(a) Each ordinance or policy shall establish:
- 1946 (i) access criteria, procedures, and response times for requests to inspect, obtain, or
- 1947 amend records ~~[of the political subdivision,]~~ ; and
- 1948 (ii) time limits for appeals consistent with this chapter.
- 1949 (b) ~~[In establishing response times for access requests and time limits for appeals, the~~
- 1950 ~~political subdivision may establish reasonable time frames different than those set out~~
- 1951 ~~in Section 63G-2-204 and Part 4, Appeals, if it determines that the resources of the~~
- 1952 ~~political subdivision are insufficient to meet the requirements of those sections]~~ In
- 1953 establishing response times for access requests and time limits for appeals, if a
- 1954 political subdivision determines that the political subdivision's resources are
- 1955 insufficient to meet the requirements under this chapter, the political subdivision may
- 1956 set reasonable time frames different than the time frames described in Section
- 1957 63G-2-204 and Part 4, Appeals.
- 1958 (5)(a) A political subdivision shall establish an appeals process for ~~[persons]~~ a person
- 1959 aggrieved by a classification, designation, or access ~~[decisions]~~ decision.
- 1960 (b) A political subdivision's appeals process shall include a process for a requester or
- 1961 interested party to appeal an access denial, ~~[to a person designated by the political~~
- 1962 ~~subdivision as]~~ as described in Section 63G-2-401, to the individual designated as the
- 1963 chief administrative officer ~~[for purposes of an appeal under Section 63G-2-401].~~
- 1964 (c)(i) A political subdivision may establish an appeals board to decide an appeal of a
- 1965 decision of the chief administrative officer affirming an access denial.
- 1966 (ii) An appeals board established by a political subdivision shall be composed of
- 1967 three members:
- 1968 (A) one of whom shall be an employee of the political subdivision; and

1969 (B) two of whom shall be members of the public who are not employed by or
 1970 officials of a governmental entity, at least one of whom shall have professional
 1971 experience with requesting or managing records.

1972 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of
 1973 a chief administrative officer shall be made to the appeals board.

1974 (iv) If a political subdivision does not establish an appeals board, the political
 1975 subdivision's appeals process shall provide for an appeal of a chief administrative
 1976 officer's decision to the State Records Committee, as provided in Section
 1977 63G-2-403.

1978 (d) A political subdivision that establishes an appeals board shall notify the executive
 1979 secretary no later than 30 days after the day on which the political subdivision
 1980 establishes the appeals board.

1981 (6)(a) A political subdivision or requester may appeal an appeals board decision:

1982 (i) to the State Records Committee, as provided in Section 63G-2-403; or

1983 (ii) by filing a petition for judicial review with the district court.

1984 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the
 1985 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and
 1986 63G-2-404.

1987 (c) A person who appeals an appeals board decision to the State Records Committee
 1988 does not lose or waive the right to seek judicial review of the State Records
 1989 Committee decision~~[-of the State Records Committee].~~

1990 (7) ~~[Any]~~ A political subdivision that adopts an ordinance or policy under Subsection ~~[(4)]~~
 1991 ~~(2)~~ shall forward~~[-to state archives]~~ a copy and summary description of the ordinance or
 1992 policy to state archives.

1993 Section 19. Section **63G-2-801** is amended to read:

1994 **63G-2-801 . Criminal penalties.**

1995 (1)(a) A public employee or other ~~[person]~~ individual who has lawful access to any
 1996 private, controlled, or protected record under this chapter, and who intentionally
 1997 discloses, provides a copy of, or improperly uses a private, controlled, or protected
 1998 record knowing that the disclosure or use is prohibited under this chapter, ~~[is,-]~~except
 1999 as provided in Subsection 53-5-708(1)(c), is guilty of a class B misdemeanor.

2000 (b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released
 2001 private, controlled, or protected information in the reasonable belief that the use or
 2002 disclosure of the information was necessary to expose a violation of law involving

- 2003 government corruption, abuse of office, or misappropriation of public funds or
 2004 property.
- 2005 (c) It is a defense to prosecution under Subsection (1)(a) that the record could have
 2006 lawfully been released to the recipient if it had been properly classified.
- 2007 (d) It is a defense to prosecution under Subsection (1)(a) that the public employee or
 2008 other person disclosed, provided, or used the record based on a good faith belief that
 2009 the disclosure, provision, or use was in accordance with the law.
- 2010 (2)(a) A person who by false pretenses, bribery, or theft, gains access to or obtains a
 2011 copy of any private, controlled, or protected record to which the person is not legally
 2012 entitled is guilty of a class B misdemeanor.
- 2013 (b) No person shall be guilty under Subsection (2)(a) who receives the record,
 2014 information, or copy after the fact and without prior knowledge of or participation in
 2015 the false pretenses, bribery, or theft.
- 2016 (3)(a) A public employee who intentionally refuses to release a record, the disclosure of
 2017 which the employee knows is required by law, is guilty of a class B misdemeanor.
- 2018 (b) It is a defense to prosecution under Subsection (3)(a) that the public employee's
 2019 failure to release the record was based on a good faith belief that the public employee
 2020 was acting in accordance with the requirements of law.
- 2021 (c) A public employee who intentionally refuses to release a record, the disclosure of
 2022 which the employee knows is required by a final unappealed order from a [
 2023 ~~government~~] governmental entity, the State Records Committee, or a court is guilty of
 2024 a class B misdemeanor.
- 2025 (4)(a) As used in this Subsection (4), "pending records request" means that:
- 2026 (i) a person has made a record request; and
- 2027 (ii) the governmental entity:
- 2028 (A) has not denied the record request, but has not yet provided all records
 2029 requested;
- 2030 (B) has denied the record request, in whole or in part, and the deadline for
 2031 appealing the denial has not passed;
- 2032 (C) has denied the record request, in whole or in part, an appeal is filed in relation
 2033 to the record request, and the appeal has not become final; or
- 2034 (D) is subject to an order to provide a record and has not yet fully complied with
 2035 the order.
- 2036 (b) It is unlawful for an individual to destroy or delete a record that the individual

2037 knows, or has reason to know, may be responsive to a pending records request, with
 2038 the intent of avoiding disclosure of the record or information in the record.

2039 (c) Violation of Subsection (4)(b) is a class B misdemeanor.

2040 Section 20. Section **77-27-5** is amended to read:

2041 **77-27-5 . Board of Pardons and Parole authority.**

2042 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for
 2043 treason or impeachment, the board shall determine by majority decision when and
 2044 under what conditions an offender's conviction may be pardoned or commuted.

2045 (b) The board shall determine by majority decision when and under what conditions an
 2046 offender committed to serve a sentence at a penal or correctional facility, which is
 2047 under the jurisdiction of the department, may:

2048 (i) be released upon parole;

2049 (ii) have a fine or forfeiture remitted;

2050 (iii) have the offender's criminal accounts receivable remitted in accordance with
 2051 Section 77-32b-105 or 77-32b-106;

2052 (iv) have the offender's payment schedule modified in accordance with Section
 2053 77-32b-103; or

2054 (v) have the offender's sentence terminated.

2055 (c) The board shall prioritize public safety when making a determination under
 2056 Subsection (1)(a) or (1)(b).

2057 (d)(i) The board may sit together or in panels to conduct hearings.

2058 (ii) The chair shall appoint members to the panels in any combination and in
 2059 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
 2060 Utah Administrative Rulemaking Act.

2061 (iii) The chair may participate on any panel and when doing so is chair of the panel.

2062 (iv) The chair of the board may designate the chair for any other panel.

2063 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
 2064 an open session, the board may not:

2065 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
 2066 receivable;

2067 (B) release the offender on parole; or

2068 (C) commute, pardon, or terminate an offender's sentence.

2069 (ii) An action taken under this Subsection (1) other than by a majority of the board
 2070 shall be affirmed by a majority of the board.

- 2071 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 2072 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
2073 shall be given to the offender.
- 2074 (b) The county or district attorney's office responsible for prosecution of the case, the
2075 sentencing court, and law enforcement officials responsible for the defendant's arrest
2076 and conviction shall be notified of any board hearings through the board's website.
- 2077 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
2078 notified of original hearings and any hearing after that if notification is requested and
2079 current contact information has been provided to the board.
- 2080 (d)(i) Notice to the victim or the victim's representative shall include information
2081 provided in Section 77-27-9.5, and any related rules made by the board under that
2082 section.
- 2083 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
2084 reasonable for the lay person to understand.
- 2085 (3)(a) A decision by the board is final and not subject for judicial review if the decision
2086 is regarding:
- 2087 (i) a pardon, parole, commutation, or termination of an offender's sentence;
2088 (ii) the modification of an offender's payment schedule for restitution; or
2089 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 2090 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
2091 4, Open and Public Meetings Act, when the board is engaged in the board's
2092 deliberative process.
- 2093 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xi)~~] 63G-2-103(28)(b)(xi), records of the
2094 deliberative process are exempt from Title 63G, Chapter 2, Government Records
2095 Access and Management Act.
- 2096 (d) Unless it will interfere with a constitutional right, deliberative processes are not
2097 subject to disclosure, including discovery.
- 2098 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 2099 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's
2100 power to grant respite or reprieves in all cases of convictions for offenses against the
2101 state, except treason or conviction on impeachment.
- 2102 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
2103 next session of the board.
- 2104 (c) At the next session of the board, the board:

- 2105 (i) shall continue or terminate the respite or reprieve; or
2106 (ii) may commute the punishment or pardon the offense as provided.
- 2107 (d) In the case of conviction for treason, the governor may suspend execution of the
2108 sentence until the case is reported to the Legislature at the Legislature's next session.
- 2109 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
2110 execution.
- 2111 (5)(a) In determining when, where, and under what conditions an offender serving a
2112 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
2113 offender's criminal accounts receivable remitted, or have the offender's sentence
2114 commuted or terminated, the board shall:
- 2115 (i) consider whether the offender has made restitution ordered by the court under
2116 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
2117 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
2118 commutation or termination of the offender's sentence;
- 2119 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
2120 making determinations under this Subsection (5);
- 2121 (iii) consider information provided by the department regarding an offender's
2122 individual case action plan; and
- 2123 (iv) review an offender's status within 60 days after the day on which the board
2124 receives notice from the department that the offender has completed all of the
2125 offender's case action plan components that relate to activities that can be
2126 accomplished while the offender is imprisoned.
- 2127 (b) The board shall determine whether to remit an offender's criminal accounts
2128 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
2129 77-32b-106.
- 2130 (6) In determining whether parole may be terminated, the board shall consider:
- 2131 (a) the offense committed by the parolee; and
2132 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 2133 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
2134 parole in accordance with the adult sentencing and supervision length guidelines, as
2135 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the
2136 requirements of the law.
- 2137 (8) The board may not rely solely on an algorithm or a risk assessment tool score in
2138 determining whether parole should be granted or terminated for an offender.

- 2139 (9) The board may intervene as a limited-purpose party in a judicial or administrative
2140 proceeding, including a criminal action, to seek:
- 2141 (a) correction of an order that has or will impact the board's jurisdiction; or
 - 2142 (b) clarification regarding an order that may impact the board's jurisdiction.
- 2143 (10) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days
2144 after the day on which a court enters the order that impacts the board's jurisdiction.
- 2145 Section 21. **Effective Date.**
- 2146 This bill takes effect on May 7, 2025.