

**PUBLIC RECORDS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Phil Lyman**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to public records.

**Highlighted Provisions:**

This bill:

► modifies a provision allowing an opinion or order made by a governmental entity in an administrative, adjudicative, or judicial proceeding to be withheld under certain circumstances so that the provision does not apply if the individual subject to the proceeding is an elected official.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223

**53-5-708**, as last amended by Laws of Utah 2023, Chapter 16

**53-9-115**, as last amended by Laws of Utah 2008, Chapter 382

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

**63G-2-302**, as last amended by Laws of Utah 2023, Chapters 329, 471

**63G-4-106**, as enacted by Laws of Utah 2016, Chapter 312



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

Section 1. Section **20A-2-101.1** is amended to read:

**20A-2-101.1. Preregistering to vote.**

(1) An individual may preregister to vote if the individual:

(a) is 16 or 17 years [~~of age~~] old;

(b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection **20A-2-101(1)(c)**;

(c) is a citizen of the United States;

(d) has been a resident of Utah for at least 30 days; and

(e) currently resides within the voting district or precinct in which the individual preregisters to vote.

(2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:

(a) the individual is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection **20A-2-101(1)(c)**; and

(b) the county clerk registers the individual to vote under Subsection (4).

(3) An individual who preregisters to vote shall:

(a) complete a voter registration form, including an indication that the individual is preregistering to vote; and

(b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.

(4) (a) A county clerk shall:

(i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3)(b);

(ii) register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section **20A-2-102.5** for that election; and

(iii) send a notice to the individual that:

(A) informs the individual that the individual's voter registration form has been

59 accepted as an application for preregistration;

60 (B) informs the individual that the individual will be registered to vote in the next  
61 election in which the individual will be eligible to vote; and

62 (C) indicates in which election the individual will be registered to vote.

63 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is  
64 considered to have applied for voter registration on the earlier of:

65 (i) the day of the voter registration deadline immediately preceding the election day on  
66 which the individual will be at least 18 years ~~[of age]~~ old; or

67 (ii) the day on which the individual turns 18 years ~~[of age]~~ old.

68 (c) A county clerk shall refer a voter registration form to the county attorney for  
69 investigation and possible prosecution if the clerk or the clerk's designee believes the  
70 individual is attempting to preregister to vote in an election in which the individual will not be  
71 legally entitled to vote.

72 (5) (a) The lieutenant governor or a county clerk shall classify the voter registration  
73 record of an individual who preregisters to vote as a private record until the day on which the  
74 individual turns 18 years ~~[of age]~~ old.

75 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of  
76 age, the lieutenant governor or county clerk shall classify the individual's voter registration  
77 record as a public record in accordance with Subsection [~~63G-2-301(2)(f)~~]  
78 63G-2-301(2)(a)(xii).

79 (6) If an individual who is at least 18 years ~~[of age]~~ old erroneously indicates on the  
80 voter registration form that the individual is preregistering to vote, the county clerk shall  
81 consider the form as a voter registration form and shall process the form in accordance with  
82 this chapter.

83 Section 2. Section **53-5-708** is amended to read:

84 **53-5-708. Permit -- Names private.**

85 (1) (a) The bureau shall maintain a record in its office of any permit issued under this  
86 part.

87 (b) Notwithstanding the requirements of Subsection [~~63G-2-301(2)(b)~~]  
88 63G-2-301(2)(a)(ii), the names, addresses, telephone numbers, dates of birth, and Social  
89 Security numbers of persons receiving permits are protected records under Subsection

90 63G-2-305(11).

91 (c) Notwithstanding Section 63G-2-206, a person may not share any of the information  
92 listed in Subsection (1)(b) with any office, department, division, or other agency of the federal  
93 government unless:

94 (i) the disclosure is necessary to conduct a criminal background check on the  
95 individual who is the subject of the information;

96 (ii) the disclosure of information is made pursuant to a court order directly associated  
97 with an active investigation or prosecution of the individual who is the subject of the  
98 information;

99 (iii) the disclosure is made to a criminal justice agency in a criminal investigation or  
100 prosecution;

101 (iv) the disclosure is made by a law enforcement agency within the state to another law  
102 enforcement agency in the state or in another state in connection with an investigation,  
103 including a preliminary investigation, or a prosecution of the individual who is the subject of  
104 the information;

105 (v) the disclosure is made by a law enforcement agency within the state to an employee  
106 of a federal law enforcement agency in the course of a combined law enforcement effort  
107 involving the law enforcement agency within the state and the federal law enforcement agency;  
108 or

109 (vi) the disclosure is made in response to a routine request that a federal law  
110 enforcement officer makes to obtain information on an individual whom the federal law  
111 enforcement officer detains, including for a traffic stop, or questions because of the individual's  
112 suspected violation of state law.

113 (d) A person is guilty of a class A misdemeanor if the person knowingly:

114 (i) discloses information listed in Subsection (1)(b) in violation of the provisions under  
115 Title 63G, Chapter 2, Government Records Access and Management Act, applicable to  
116 protected records; or

117 (ii) shares information in violation of Subsection (1)(c).

118 (e) (i) As used in this Subsection (1)(e), "governmental agency" means:

119 (A) the state or any department, division, agency, or other instrumentality of the state;

120 or

121 (B) a political subdivision of the state, including a county, city, town, school district,  
122 special district, and special service district.

123 (ii) A governmental agency may not compel or attempt to compel an individual who  
124 has been issued a concealed firearm permit to divulge whether the individual:

125 (A) has been issued a concealed firearm permit; or

126 (B) is carrying a concealed firearm.

127 (iii) Subsection (1)(e)(ii) does not apply to a law enforcement officer.

128 (2) The bureau shall immediately file a copy of each permit it issues under this part.

129 Section 3. Section **53-9-115** is amended to read:

130 **53-9-115. Business name and address -- Posting of license -- Advertising.**

131 (1) (a) Subject to the provisions of this chapter, a licensee may conduct an investigative  
132 business under a name other than the licensee's by:

133 (i) complying with the requirements of Title 42, Chapter 2, Conducting Business Under  
134 Assumed Name; and

135 (ii) providing a copy of the filed certificate to the commissioner.

136 (b) Failure to comply with Subsection (1)(a) shall result in the suspension of the  
137 license.

138 (2) Each licensee shall have at least one physical location from which the normal  
139 business of the agency is conducted. The address of this location shall be on file with the  
140 commissioner at all times and is not a public record pursuant to Subsection

141 [~~63G-2-301(2)(b)(ii)~~] 63G-2-301(2)(a)(ii)(B).

142 (3) The license certificate issued by the commissioner shall be posted in a conspicuous  
143 place in the principal office of the licensee.

144 (4) Subject to the provisions of this chapter, a licensee may solicit business through  
145 any accepted form of advertising.

146 (a) Any advertisement shall contain the licensee's name and license number as it  
147 appears on the license certificate.

148 (b) A licensee may not use false, deceptive, or misleading advertising.

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

150 **63G-2-301. Public records.**

151 (1) As used in this section:

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

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

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

158 (d) "Correctional facility" means the same as that term is defined in Section  
159 [77-16b-102](#).

160 (2) (a) The following records are public except to the extent they contain information  
161 expressly permitted to be treated confidentially under the provisions of Subsections  
162 [63G-2-201](#)(3)(b) and (6)(a):

163 [(a)] (i) laws;

164 [(b)] (ii) the name, gender, gross compensation, job title, job description, business  
165 address, business email address, business telephone number, number of hours worked per pay  
166 period, dates of employment, and relevant education, previous employment, and similar job  
167 qualifications of a current or former employee or officer of the governmental entity, excluding:

168 [(i)] (A) undercover law enforcement personnel; and

169 [(ii)] (B) investigative personnel if disclosure could reasonably be expected to impair  
170 the effectiveness of investigations or endanger any individual's safety;

171 [(e)] (iii) final opinions, including concurring and dissenting opinions, and orders that  
172 are made by a governmental entity in an administrative, adjudicative, or judicial proceeding  
173 except [~~that if the proceedings were properly closed to the public, the opinion and order may be~~  
174 ~~withheld to the extent that they contain information that is private, controlled, or protected]~~ as  
175 provided in Subsection (2)(b);

176 [(d)] (iv) final interpretations of statutes or rules by a governmental entity unless  
177 classified as protected as provided in Subsection [63G-2-305](#)(17) or (18);

178 [(e)] (v) information contained in or compiled from a transcript, minutes, or report of  
179 the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4,  
180 Open and Public Meetings Act, including the records of all votes of each member of the  
181 governmental entity;

182 [(f)] (vi) judicial records unless a court orders the records to be restricted under the

183 rules of civil or criminal procedure or unless the records are private under this chapter;

184       ~~[(g)]~~ (vii) unless otherwise classified as private under Section [63G-2-303](#), records or

185 parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors,

186 zoning commissions, the Division of Forestry, Fire, and State Lands, the School and

187 Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of

188 Water Rights, or other governmental entities that give public notice of:

189       ~~[(i)]~~ (A) titles or encumbrances to real property;

190       ~~[(ii)]~~ (B) restrictions on the use of real property;

191       ~~[(iii)]~~ (C) the capacity of persons to take or convey title to real property; or

192       ~~[(iv)]~~ (D) tax status for real and personal property;

193       ~~[(h)]~~ (viii) records of the Department of Commerce that evidence incorporations,

194 mergers, name changes, and uniform commercial code filings;

195       ~~[(i)]~~ (ix) data on individuals that would otherwise be private under this chapter if the

196 individual who is the subject of the record has given the governmental entity written

197 permission to make the records available to the public;

198       ~~[(j)]~~ (x) documentation of the compensation that a governmental entity pays to a

199 contractor or private provider;

200       ~~[(k)]~~ (xi) summary data;

201       ~~[(l)]~~ (xii) voter registration records, including an individual's voting history, except for

202 a voter registration record or those parts of a voter registration record that are classified as

203 private under Subsections [63G-2-302\(1\)\(j\)](#) through (m) or withheld under Subsection

204 [20A-2-104\(7\)](#);

205       ~~[(m)]~~ (xiii) for an elected official, as defined in Section [11-47-102](#), a telephone

206 number, if available, and email address, if available, where that elected official may be reached

207 as required in Title 11, Chapter 47, Access to Elected Officials;

208       ~~[(n)]~~ (xiv) for a school community council member, a telephone number, if available,

209 and email address, if available, where that elected official may be reached directly as required

210 in Section [53G-7-1203](#);

211       ~~[(o)]~~ (xv) annual audited financial statements of the Utah Educational Savings Plan

212 described in Section [53B-8a-111](#); and

213       ~~[(p)]~~ (xvi) an initiative packet, as defined in Section [20A-7-101](#), and a referendum

214 packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.

215 (b) (i) Notwithstanding Subsection (2)(a)(iii), an opinion or order made by a  
216 governmental entity in an administrative, adjudicative, or judicial proceeding may be withheld  
217 if:

218 (A) the proceeding was properly closed to the public; and

219 (B) the opinion or order contains information that is private, controlled, or protected.

220 (ii) Subsection (2)(b)(i) does not apply if the individual subject to the proceeding is an  
221 elected official.

222 (3) The following records are normally public, but to the extent that a record is  
223 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
224 Section 63G-2-302, 63G-2-304, or 63G-2-305:

225 (a) administrative staff manuals, instructions to staff, and statements of policy;

226 (b) records documenting a contractor's or private provider's compliance with the terms  
227 of a contract with a governmental entity;

228 (c) records documenting the services provided by a contractor or a private provider to  
229 the extent the records would be public if prepared by the governmental entity;

230 (d) contracts entered into by a governmental entity;

231 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
232 by a governmental entity;

233 (f) records relating to government assistance or incentives publicly disclosed,  
234 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
235 business in Utah, except as provided in Subsection 63G-2-305(35);

236 (g) chronological logs and initial contact reports;

237 (h) correspondence by and with a governmental entity in which the governmental entity  
238 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
239 or any person;

240 (i) empirical data contained in drafts if:

241 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
242 form; and

243 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
244 make nonsubstantive changes before release;

- 245 (j) drafts that are circulated to anyone other than:  
246 (i) a governmental entity;  
247 (ii) a political subdivision;  
248 (iii) a federal agency if the governmental entity and the federal agency are jointly  
249 responsible for implementation of a program or project that has been legislatively approved;  
250 (iv) a government-managed corporation; or  
251 (v) a contractor or private provider;  
252 (k) drafts that have never been finalized but were relied upon by the governmental  
253 entity in carrying out action or policy;  
254 (l) original data in a computer program if the governmental entity chooses not to  
255 disclose the program;  
256 (m) arrest warrants after issuance, except that, for good cause, a court may order  
257 restricted access to arrest warrants prior to service;  
258 (n) search warrants after execution and filing of the return, except that a court, for good  
259 cause, may order restricted access to search warrants prior to trial;  
260 (o) records that would disclose information relating to formal charges or disciplinary  
261 actions against a past or present governmental entity employee if:  
262 (i) the disciplinary action has been completed and all time periods for administrative  
263 appeal have expired; and  
264 (ii) the charges on which the disciplinary action was based were sustained;  
265 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School  
266 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
267 evidence mineral production on government lands;  
268 (q) final audit reports;  
269 (r) occupational and professional licenses;  
270 (s) business licenses;  
271 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar  
272 records used to initiate proceedings for discipline or sanctions against persons regulated by a  
273 governmental entity, but not including records that initiate employee discipline; and  
274 (u) (i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
275 the operation of a correctional facility or the care and control of inmates committed to the

276 custody of a correctional facility; and

277 (ii) records that disclose the results of an audit or other inspection assessing a  
278 correctional facility's compliance with a standard, regulation, policy, guideline, or rule  
279 described in Subsection (3)(u)(i).

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

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

283 **63G-2-302. Private records.**

284 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 307 (ii) after the meeting, if the meeting was closed to the public;
- 308 (g) employment records concerning a current or former employee of, or applicant for  
309 employment with, a governmental entity that would disclose that individual's home address,  
310 home telephone number, social security number, insurance coverage, marital status, or payroll  
311 deductions;
- 312 (h) records or parts of records under Section 63G-2-303 that a current or former  
313 employee identifies as private according to the requirements of that section;
- 314 (i) that part of a record indicating a person's social security number or federal employer  
315 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,  
316 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 317 (j) that part of a voter registration record identifying a voter's:
- 318 (i) driver license or identification card number;
- 319 (ii) social security number, or last four digits of the social security number;
- 320 (iii) email address;
- 321 (iv) date of birth; or
- 322 (v) phone number;
- 323 (k) a voter registration record that is classified as a private record by the lieutenant  
324 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or  
325 20A-2-204(4)(b);
- 326 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 327 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
328 verification submitted in support of the form;
- 329 (n) a record that:
- 330 (i) contains information about an individual;
- 331 (ii) is voluntarily provided by the individual; and
- 332 (iii) goes into an electronic database that:
- 333 (A) is designated by and administered under the authority of the Chief Information  
334 Officer; and
- 335 (B) acts as a repository of information about the individual that can be electronically  
336 retrieved and used to facilitate the individual's online interaction with a state agency;
- 337 (o) information provided to the Commissioner of Insurance under:

- 338 (i) Subsection [31A-23a-115\(3\)\(a\)](#);
- 339 (ii) Subsection [31A-23a-302\(4\)](#); or
- 340 (iii) Subsection [31A-26-210\(4\)](#);
- 341 (p) information obtained through a criminal background check under Title 11, Chapter
- 342 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 343 (q) information provided by an offender that is:
  - 344 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
  - 345 Offender Registry, or Title 77, Chapter 43, Child Abuse Offender Registry; and
  - 346 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#) or
  - 347 [77-43-108\(4\)](#);
  - 348 (r) a statement and any supporting documentation filed with the attorney general in
  - 349 accordance with Section [34-45-107](#), if the federal law or action supporting the filing involves
  - 350 homeland security;
  - 351 (s) electronic toll collection customer account information received or collected under
  - 352 Section [72-6-118](#) and customer information described in Section [17B-2a-815](#) received or
  - 353 collected by a public transit district, including contact and payment information and customer
  - 354 travel data;
  - 355 (t) an email address provided by a military or overseas voter under Section
  - 356 [20A-16-501](#);
  - 357 (u) a completed military-overseas ballot that is electronically transmitted under Title
  - 358 20A, Chapter 16, Uniform Military and Overseas Voters Act;
  - 359 (v) records received by or generated by or for the Political Subdivisions Ethics Review
  - 360 Commission established in Section [63A-15-201](#), except for:
    - 361 (i) the commission's summary data report that is required in Section [63A-15-202](#); and
    - 362 (ii) any other document that is classified as public in accordance with Title 63A,
    - 363 Chapter 15, Political Subdivisions Ethics Review Commission;
    - 364 (w) a record described in Section [53G-9-604](#) that verifies that a parent was notified of
    - 365 an incident or threat;
    - 366 (x) a criminal background check or credit history report conducted in accordance with
    - 367 Section [63A-3-201](#);
    - 368 (y) a record described in Subsection [53-5a-104\(7\)](#);

369 (z) on a record maintained by a county for the purpose of administering property taxes,  
370 an individual's:

371 (i) email address;

372 (ii) phone number; or

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

374 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an  
375 exemption, deferral, abatement, or relief under:

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

377 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;

378 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or

379 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;

380 (bb) a record provided by the State Tax Commission in response to a request under  
381 Subsection [59-1-403\(4\)\(y\)\(iii\)](#);

382 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual  
383 child welfare case, as described in Subsection [36-33-103\(3\)](#); and

384 (dd) a record relating to drug or alcohol testing of a state employee under Section  
385 [63A-17-1004](#).

386 (2) The following records are private if properly classified by a governmental entity:

387 (a) records concerning a current or former employee of, or applicant for employment  
388 with a governmental entity, including performance evaluations and personal status information  
389 such as race, religion, or disabilities, but not including records that are public under Subsection  
390 [~~[63G-2-301\(2\)\(b\)](#)~~ [63G-2-301\(2\)\(a\)\(ii\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);

391 (b) records describing an individual's finances, except that the following are public:

392 (i) records described in Subsection [63G-2-301\(2\)](#);

393 (ii) information provided to the governmental entity for the purpose of complying with  
394 a financial assurance requirement; or

395 (iii) records that must be disclosed in accordance with another statute;

396 (c) records of independent state agencies if the disclosure of those records would  
397 conflict with the fiduciary obligations of the agency;

398 (d) other records containing data on individuals the disclosure of which constitutes a  
399 clearly unwarranted invasion of personal privacy;

400 (e) records provided by the United States or by a government entity outside the state  
401 that are given with the requirement that the records be managed as private records, if the  
402 providing entity states in writing that the record would not be subject to public disclosure if  
403 retained by it;

404 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
405 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a  
406 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

407 (g) audio and video recordings created by a body-worn camera, as defined in Section  
408 77-7a-103, that record sound or images inside a home or residence except for recordings that:

409 (i) depict the commission of an alleged crime;

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

412 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
413 against a law enforcement officer or law enforcement agency;

414 (iv) contain an officer involved critical incident as defined in Subsection  
415 76-2-408(1)(f); or

416 (v) have been requested for reclassification as a public record by a subject or  
417 authorized agent of a subject featured in the recording.

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

420 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
421 doctors, or affiliated entities are not private records or controlled records under Section  
422 63G-2-304 when the records are sought:

423 (i) in connection with any legal or administrative proceeding in which the patient's  
424 physical, mental, or emotional condition is an element of any claim or defense; or

425 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
426 relies upon the condition as an element of the claim or defense.

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

430 Section 6. Section 63G-4-106 is amended to read:

431           **63G-4-106. Access to information on state-controlled websites.**

432           (1) As used in this section and Sections [63G-4-107](#) and [63G-4-108](#):

433           (a) "Administrative disciplinary action" means, subject to the limitations described in  
434 Section [63G-4-102](#), state agency action against the interest of an individual that affects a legal  
435 right, duty, privilege, immunity, or other legal interest of an individual, including agency action  
436 to deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license.

437           (b) "Record of administrative disciplinary action" means a notice, request, complaint,  
438 report, order, or other information related to an administrative disciplinary action.

439           (c) "State-controlled website" means a website:

440           (i) operated by:

441           (A) an agency; or

442           (B) a third party pursuant to a contract with an agency under which the agency controls  
443 the data available to the public; and

444           (ii) that includes personally identifiable information.

445           (2) Unless otherwise required by federal law, if an agency maintains, on a  
446 state-controlled website available to the public, a record of administrative disciplinary action,  
447 the agency shall remove the record of administrative disciplinary action from public access on  
448 the state-controlled website by no later than 10 years from the date:

449           (a) a final order related to the administrative disciplinary action was issued; or

450           (b) the administrative disciplinary action was commenced, if no final order was issued  
451 related to the administrative disciplinary action.

452           (3) Notwithstanding Subsection (2):

453           (a) a record of administrative disciplinary action issued in accordance with this chapter  
454 shall maintain its record classification pursuant to Subsection [~~[63G-2-301\(2\)\(c\)](#)~~]

455 [63G-2-301\(2\)\(a\)\(iii\)](#) or (3)(t); and

456           (b) a person may make a request for the record of administrative disciplinary action in  
457 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

458           Section 7. **Effective date.**

459           This bill takes effect on May 1, 2024.