

2021 Legislative Changes
Government Records Access and Management Act (GRAMA)
Utah Code 63G-2

63G-2-103. Definitions.

(14)(a) "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

- (i) the date, time, location, and nature of the complaint, the incident, or offense;
- (ii) names of victims;
- (iii) the nature or general scope of the agency's initial actions taken in response to the incident;
- (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- (v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or
- (vi) the identity of the public safety personnel, except undercover personnel or prosecuting attorney involved in responding to the initial incident.

(b) Initial contact report does not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (14)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

(c) Initial contact reports do not include accident reports, as the term is described in Title 41, Chapter 61, Part 4, Accident Responsibilities.

(22)(a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:

- (i) that is prepared, owned, received, or retained by a governmental entity or political subdivision, and
- (ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

(b) "Record" does not mean:

- (i) a personal note or personal communication prepared or received by an employee or officer of a governmental entity
 - (A) in a capacity other than the employee's or officer's governmental capacity, or
 - (B) that is unrelated to the conduct of the public's business; or
- (ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working.
- (iii) material that is legally owned by an individual in the individual's private capacity.
- (iv) material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;
- (v) proprietary software;
- (vi) junk mail or commercial publication received by a governmental entity or an official or employee of a governmental entity;
- (vii) a book that is cataloged, indexed or inventoried and contained in the collections of a library open to the public;

- (viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;
- (ix) a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;
- (x) a computer program that is developed or purchased by or for any governmental entity for its own use;
- (xi) a note or internal memorandum prepared as part of the deliberative process by;
 - (A) a member of the judiciary;
 - (B) an administrative law judge;
 - (C) a member of the Board of Pardons and Parole; or
 - (D) a member of any other body, other than an association or appeals panel as defined in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- (xii) a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record as provided in Section [63G-2-301](#);
- (xiii) information provided by the Public Employees' Benefit and Insurance Program, created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- (xiv) information that an owner of unimproved property provides to a local entity as provided in Section [11-42-205](#);
- (xv) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);
- (xvi) child pornography, as defined by Section [76-5b-103](#);
- (xvii) before the final disposition of an ethics complaint occurs, a video or audio recording of the closed portion of a meeting or hearing of:
 - (A) a Senate or House Ethics Committee;
 - (B) the Independent Legislative Ethics Commission;
 - (C) the Independent Executive Branch Ethics Commission, created in Section [63A-14-202](#); or
 - (D) the Political Subdivisions Ethics Review Commission established in Section [63A-15-201](#);

or
- (xviii) confidential communication described in Section [58-60-102](#), [58-61-102](#), or [58-61-702](#).

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

~~(10) A record contained in the Management Information System created in Section 62A-4a-1003, that is found to be unsubstantiated, un-supported, or without merit may not be disclosed to any person except the person who is alleged in the report to be a perpetrator or abuse, neglect or dependency.~~

63G-2-302. Private records.

(1) The following records are private: ...

(j) that part of a voter registration record identifying a voter's:

- (i) driver license or identification card number;
- (ii) social security number, or last four digits of the social security number;
- (iii) email address
- (iv) date of birth; or
- (v) phone number;...

(z) ~~the following portions of~~ on a record maintained by a county for the purpose of administering property taxes, and individual's

- (i) email address;
 - (ii) phone number; or
 - (iii) personal financial information related to a person's payment method; and
- (aa) a record concerning an individual's submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement or relief under:
- (i) [Title 59, Chapter 2, Part 11](#), Exemptions, Deferrals, and Abatements;
 - (ii) [Title 59, Chapter 2, Part 12](#), Property tax Relief,
 - (iii) [Title 59, Chapter 2, Part 18](#), Tax Deferral and Tax Abatement; or
 - (iv) [Title 59, Chapter 2, Part 19](#), Armed Forces Exemptions.
- (bb) a record provided by the State Tax Commission in response to a request under Subsection [59-1-403\(3\)\(v\)\(iii\)](#).

63G-2-305. Protected Records.

The following records are protected:

- (44) information contained in the ~~Management Information System~~ and Licensing Information System described in [Title 62A, Chapter 4a](#), Child and Family Services;...
- (72) a record submitted to the Insurance Department in accordance with Section [31A-37-201](#) ~~or 31A-22-653~~....
- (81)(a) an image taken of an individual during the process of booking the individual into jail, unless:
- (i) the individual is convicted or a criminal offense based upon the conduct for the individual was incarcerated at the time the image was taken;
 - (ii) a law enforcement agency releases or disseminated the image after determining that:
 - (A) The individual is a fugitive or an imminent threat to an individual or to public safety; and
 - (B) Releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or
 - (iii) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (82) a record:
- (a) concerning an interstate claim to the use of waters in the Colorado River system;
 - (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section [63M-14-205](#); and
 - (c) the disclosure of which would:
 - (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
 - (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
 - (iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system; and
- (83) any part of an application described in Section [63N-16-201](#) that the Governor's Office of Economic Development determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant, but this Subsection (83) may not be used to restrict access to a record evidencing a final contract or approval decision.

63G-2-404. Judicial review.

- (6)(a) The Court shall:
- (i) make the court's decision do novo, but for a petition seeking judicial review of a State Records Committee order, allow introduction of evidence presented to the State Records Committee order, allow introduction of evidence presented to the Records Committee;

(ii) determine all questions of fact and law without a jury; and

(iii) decide the issue at the earliest practical opportunity

~~(b) in a court's review and decision of a petition seeking judicial review of a State Records Committee order, the court may not remand the petition to the State Records Committee for any additional proceedings;~~

(b) A court may remand a petition for judicial review to the State Records Committee if:

(i) the remand is to allow the State Records Committee to decide an issue that

(A) involves access to a record; and

(B) the State Records Committee has not previously addressed in the proceeding that led to the petition for judicial review; and

(ii) the court determines that remanding to the State Records Committee is in the best interests of justice.