

# 2020 Legislative Changes

## Government Records Access and Management Act (GRAMA)

### Utah Code § 63G-2

#### 63G-2-103 Definitions

(11)(a) "Governmental entity" means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the ~~[State Board of Regents]~~ Utah Board of Higher Education, and the State Archives;

(Senate Bill 111 Higher Education Amendments)

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

(1) Except as provided in Subsection (11)(a), a governmental entity...~~(b)~~ may disclose a private record described in Subsections [63G-2-302\(1\)\(j\)](#) ~~[or (k)]~~ through (m), without complying with Section 63G-2-206, to another governmental entity for a purpose related to (i) voter registration; or (ii) the administration of an election.

(Senate bill 83 Voter Registration Amendments)

#### 63G-2-301 Public records

(1) As used in this section:

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

(Senate bill 185 Government Records Amendments)

(2) The following records are public except to the extent they contain information expressly permitted to be treated confidentially under the provisions of Subsections 63G-2-201 (3)(b) and (6)(a)... (l) voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subsections [63G-2-302\(1\)\(j\)](#) ~~[or (k)]~~ through (m) or withheld under Subsection [20A-2-104\(7\)](#);

(Senate bill 83 Voter Registration Amendments)

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

(u)(i) records that disclose a standard, regulation policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and

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

(Senate bill 185 Government Records Amendments)

### **63G-2-302 Private records**

(1) The following records are private:

(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101(5)(a), 20A-2-104(4)(f)(h), [~~20A-2-101.1(5)(a)~~] or 20A-2-204(4)(b);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

(Senate Bill 83 Voter Registration Amendments)

(x) the following portions of a record maintained by a county for the purpose of administering property taxes, an individual's (i) email address; (ii) phone number; or (iii) personal financial information related to a person's payment method; and

(y) a record concerning an individual's eligibility for an exemption, deferral, abatement, or relief under: (i) Title 59, Chapter 2, Part 11, Deferrals, and Abatements; or (ii) Title 59, Chapter 2, Part 12, Property Tax Relief.

(House Bill 382 Property Tax Records Amendments)

### **63G-2-305 Protected records**

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

(62) information provided to the Department of Health or the Division of Occupational and Professional Licensing under [~~Subsection~~] Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) [or] and (4);

(Senate Bill 23 Division of Occupational and Professional Licensing Amendments)

(72) a record submitted to the Insurance Department in accordance with Section 31A-37-201 or 31A-22-653; [~~and~~]

(Senate Bill 155 Medical Billing Amendments)

(76) a record submitted to the Insurance Department under Subsection 31A-47-103(1)(b).

(House Bill 272 Pharmacy Benefit Amendments)

(76) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 4, Victims Guidelines for Prosecutors.

(House bill 298 Victim Guidelines for Prosecutors)

(76) personal information, as defined in Section 63G-24-102, to the extent disclosure is prohibited under Section 63G-24-103.

(Senate Bill 171 Nonprofit Entities Amendments)

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

(a) Title 10, Utah Municipal code;

(b) Title 17, Counties;

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

(d) Title 17D, Limited Purpose Local Government Entities – Other Entities; and (e) Title 20A, Election Code;

(77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record; and

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

(Senate bill 47 Public Document Signature Classification)

**63G-2-305.5 Viewing or obtaining lists of signatures.**

(1) The records custodian of a signature described in Subsection 63G-2-305(76) shall, upon request, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration:

(a) provide a list of the names of the individuals who signed the petition or request; and

(b) permit an individual to view, but not take a copy or other image of the signatures on a political petition described in Subsection 63G-2-305(76).

(2) The records custodian of a signature described in Subsection 63G-2-305(77) shall, upon request, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration:

(a) provide a list of the names of registered voters, excluding the names that are classified as private under Title 20A, Chapter 2, Voter Registration; and

b) except for a signature classified as private under Title 20A, Chapter 2, Voter Registration, permit an individual to view, but not take a copy or other image of, the signature on a voter registration record.

(3) Except for a signature classified as private under Title 20A, Chapter 2, Voter Registration, the records custodian of a signature described in Subsection 63G-2-305(78) shall, upon request, permit an individual to view, but not take a copy or other image of, a signature.

(Senate Bill 47 Public Document Signature Classification)

**63G-2-501 State Records Committee created – Membership – Terms – Vacancies – Expenses.**

(2) The governor shall appoint the members described in Subsections (1)(a), (b), (d), (e), (f) with the advice and consent of the Senate.

(Senate Bill 60 Advice and Consent Amendments)

(2) The governor shall appoint the members described in Subsections (1)(a), (b), (d), (e), (f) with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(Senate Bill 146 Boards and Commissions Modifications)