

Narrative Summary of 2020 Legislative Updates to the Government Records Access and Management Act (GRAMA)

Utah Code § 63G-2

Compiled by Rosemary Cundiff

The 2020 Legislative updates primarily add to the lists of records that are to be classified as public, private, or protected. Classification additions are as follows:

- Records disclosing standards for the operation of a correctional facility as well as audits assessing compliance with standards are to be public records.
- Adjustments to portions of voter registration records that are private records.
- Certain information gathered by a county for the purpose of administering property taxes is private.
- Additional records or information gathered by the specific state agencies is protected:
 - Health Department,
 - Division of Occupational and Professional Licensing,
 - Insurance Department
- A specific form related to Victims Guidelines for Prosecutors is protected.
- Donor information related to nonprofit entities is protected.
- Signatures on petitions or on any election related records are protected and provision is made for viewing them.

Updates also address record sharing for a purpose related to voter registration or to an election, and refine the appointment process for members of the State Records Committee.

Standards for operation of correctional facilities and audits of compliance are public

GRAMA is amended to include reference to the definition of a correctional facility. Correctional facility means a county jail, or any facility operated by UDC or under a contract with UDC to house offenders or to provide 24-hour supervision and confinement for youth offenders. Thereafter, GRAMA is updated to clarify that records disclosing standards, regulations, policies, guidelines, or rules regarding the operation of a correctional facility or the care and control of inmates in a correctional facility are public records. It also makes public any records disclosing the results of an audit or other inspection assessing compliance with standards and guidelines. This update clarifies previous arguments that jail standards are not public because they were written and published by an individual who holds a copyright. It also clarifies that the public interest verifying a correctional facility's compliance with standards outweighs any argument that release of such records could compromise security ([Utah Code § 63G-2-305\(13\)](#)).

Modifications to access of voter registration records

Election Code ([Utah Code 20A-2-104](#)) is amended to provide that the lieutenant governor or a county clerk shall withhold voter registration records and information for individuals who are eligible

and who have submitted a withholding request. Whereas previously, individuals could elect to have their voter registration record identified as private, the law is amended to provide that voter registration information about individuals who elect privacy can still be released to government, political parties, candidates for office and their affiliates, unless the individual submits a withholding request. Individuals eligible to submit withholding requests include individuals who are victims of domestic violence or dating violence and others who reside with them; and individuals who are or who reside with law enforcement officers, members of the armed forces, public figures, or who are protected by protective orders. Voter privacy requests made prior to May 12, 2020 will still be honored. GRAMA is updated in its description, both of public and private records sections to reflect these updates (Utah Code GRAMA § [63G-2-301\(2\)](#) and [63G-2-302\(2\)](#)). GRAMA is further updated to clarify that governmental entities may share voter registration records for the purpose of registering voters and for carrying out an election (Utah Code § [63G-2-202\(1\)](#)).

Privacy of information gathered for purposes of collecting property tax

GRAMA is amended to specify that certain portions of records maintained by counties for the purpose of administering property taxes are private. Private information includes: email addresses, phone numbers, personal financial information related to payment methods, and any records related to an individual's eligibility for exemption, deferral, abatement, or other relief (Utah Code § [63G-2-302\(1\)](#)).

Protection of information about abortions

As part of licensure renewal, Utah physicians are required to disclose information about their performance of abortions. The Division of Occupational and Professional Licensing in turn provides this information to the Health Department. GRAMA protects this information. The current update extends protection of this licensure renewal information to osteopathic physicians ([Utah Code § 63G-2-305](#)).

Protection of information about medical billing

Insurance Code is amended to require Utah insurance companies to report to the Insurance Commission, all out-of-network reimbursements made on behalf of enrollees. Details of these reimbursements are protected ([Utah Code § 63G-2-305](#)).

Protection of information about prescription drugs

Insurance Code is amended to require manufacturers of prescription drugs to report certain information about drugs, including costs of acquisition and production. This information is to be protected ([Utah Code § 63G-2-305](#)).

Protection of Victim Guidelines for Prosecutors

The Victims Guidelines for Prosecutors Act is enacted to provide guidelines for prosecutors about immigration status forms completed by crime victims when the prosecutor is receiving his/her assistance to investigate and prosecute a crime. Form I-918 Supplement B is used to apply for U

nonimmigrant status, which is a visa given to individuals who have suffered abuse and who are working with law enforcement or government officials to investigate or prosecute criminal activities. Completed forms are protected. ([Utah Code § 63G-2-305](#)).

Protection of personal information related to donors of nonprofit entities

A chapter, known as “Government Interaction with Nonprofit Entities,” is enacted to limit regulation of nonprofit organizations and provide protection of the identity of donors. Personal information is defined as a record or compilation of data that identifies an individual as a donor, and personal information is protected ([Utah Code § 63G-2-305](#)).

Certain signatures are protected and provision is made for inspection

GRAMA is amended to protect certain signatures, including signatures on political petitions or requests to withdraw a signature from a political petition; signatures on voter registration records; and any other signature held by a political subdivision or the Lt. governor in relation to elections.

In the event that a records custodian receives a request for the names of individuals who signed a petition or request, he/she shall provide a list of the names of the individuals who signed the petition or request and permit the requester to review but not take a copy or image of the signatures.

If a records custodian receives a request for registered voters, he/she shall provide a list of the names of registered voters, excluding the names of those whose voter registration records have been designated as private, and will allow the requester to view, but not take a copy or image of the same.

For any other signatures that are not signatures on voter registration records that have been designated as private, but which are contained on records associated with an election, the records custodian shall permit a requester to view, but shall not allow a requester to take a copy or other image of the signature ([Utah Code § 63G-2-305](#)).

Adjustments made to process of appointing members of the State Records Committee

Some members of the State Records Committee are appointed by the governor, but must have the consent of the Senate. The law is amended to allow the Senate to provide advice and not just consent. Modifications to the process by which the governor makes appointments to all boards and commissions also apply to appointments on the State Records Committee. ([Utah Code § 63G-2-501](#))