

***Effective 5/8/2018***

**63A-3-403 Utah Transparency Advisory Board -- Creation -- Membership -- Duties.**

- (1) There is created within the department the Utah Transparency Advisory Board comprised of members knowledgeable about public finance or providing public access to public information.
- (2) The board consists of:
  - (a) an individual appointed by the director of the Division of Finance;
  - (b) an individual appointed by the executive director of the Governor's Office of Management and Budget;
  - (c) an individual appointed by the governor on advice from the Legislative Fiscal Analyst;
  - (d) one member of the Senate, appointed by the governor on advice from the president of the Senate;
  - (e) one member of the House of Representatives, appointed by the governor on advice from the speaker of the House of Representatives;
  - (f) an individual appointed by the director of the Department of Technology Services;
  - (g) the director of the Division of Archives and Records Service created in Section 63A-12-101 or the director's designee;
  - (h) an individual who is a member of the State Records Committee created in Section 63G-2-501, appointed by the governor;
  - (i) an individual representing counties, appointed by the governor;
  - (j) an individual representing municipalities, appointed by the governor;
  - (k) an individual representing special districts, appointed by the governor;
  - (l) an individual representing the State Board of Education, appointed by the State Board of Education; and
  - (m) two individuals who are members of the public and who have knowledge, expertise, or experience in matters relating to the board's duties under Subsection (10), appointed by the board members identified in Subsections (2)(a) through (l).
- (3) The board shall:
  - (a) advise the division on matters related to the implementation and administration of this part;
  - (b) develop plans, make recommendations, and assist in implementing the provisions of this part;
  - (c) determine what public financial information shall be provided by a participating state entity, independent entity, and participating local entity, if the public financial information:
    - (i) only includes records that:
      - (A) are classified as public under Title 63G, Chapter 2, Government Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section 63A-3-402, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act;
      - (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or revenues, regardless of the source; and
      - (C) are owned, held, or administered by the participating state entity, independent entity, or participating local entity that is required to provide the record; and
    - (ii) is of the type or nature that should be accessible to the public via a website based on considerations of:
      - (A) the cost effectiveness of providing the information;
      - (B) the value of providing the information to the public; and
      - (C) privacy and security considerations;

- (d) evaluate the cost effectiveness of implementing specific information resources and features on the website;
- (e) require participating local entities to provide public financial information in accordance with the requirements of this part, with a specified content, reporting frequency, and form;
- (f) require an independent entity's website or a participating local entity's website to be accessible by link or other direct route from the Utah Public Finance Website if the independent entity or participating local entity does not use the Utah Public Finance Website;
- (g) determine the search methods and the search criteria that shall be made available to the public as part of a website used by an independent entity or a participating local entity under the requirements of this part, which criteria may include:
  - (i) fiscal year;
  - (ii) expenditure type;
  - (iii) name of the agency;
  - (iv) payee;
  - (v) date; and
  - (vi) amount; and
- (h) analyze ways to improve the information on the Utah Public Finance Website so the information is more relevant to citizens, including through the use of:
  - (i) infographics that provide more context to the data; and
  - (ii) geolocation services, if possible.
- (4) Every two years, the board shall elect a chair and a vice chair from its members.
- (5)
  - (a)
    - (i) The term of a member appointed for an unexpired two-year term before May 8, 2018, shall be extended by two years from the date of the original appointment.
    - (ii) Each member appointed on or after May 8, 2018, shall serve a four-year term.
  - (b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for a four-year term.
- (6) To accomplish its duties, the board shall meet as it determines necessary.
- (7) Reasonable notice shall be given to each member of the board before any meeting.
- (8) A majority of the board constitutes a quorum for the transaction of business.
- (9)
  - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
  - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (10)
  - (a) As used in Subsections (10) and (11):
    - (i) "Information website" means a single Internet website containing public information or links to public information.
    - (ii) "Public information" means records of state government, local government, or an independent entity that are classified as public under Title 63G, Chapter 2, Government Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section 63A-3-402, if an entity is exempt from Title 63G, Chapter 2, Government Records

Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

- (b) The board shall:
  - (i) study the establishment of an information website and develop recommendations for its establishment;
  - (ii) develop recommendations about how to make public information more readily available to the public through the information website;
  - (iii) develop standards to make uniform the format and accessibility of public information posted to the information website; and
  - (iv) identify and prioritize public information in the possession of a state agency or political subdivision that may be appropriate for publication on the information website.
- (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by principles that encourage:
  - (i)
    - (A) the establishment of a standardized format of public information that makes the information more easily accessible by the public;
    - (B) the removal of restrictions on the reuse of public information;
    - (C) minimizing limitations on the disclosure of public information while appropriately safeguarding sensitive information; and
    - (D) balancing factors in favor of excluding public information from an information website against the public interest in having the information accessible on an information website;
  - (ii)
    - (A) permanent, lasting, open access to public information; and
    - (B) the publication of bulk public information;
  - (iii) the implementation of well-designed public information systems that ensure data quality, create a public, comprehensive list or index of public information, and define a process for continuous publication of and updates to public information;
  - (iv) the identification of public information not currently made available online and the implementation of a process, including a timeline and benchmarks, for making that public information available online; and
  - (v) accountability on the part of those who create, maintain, manage, or store public information or post it to an information website.
- (d) The department shall implement the board's recommendations, including the establishment of an information website, to the extent that implementation:
  - (i) is approved by the Legislative Management Committee;
  - (ii) does not require further legislative appropriation; and
  - (iii) is within the department's existing statutory authority.
- (11) The department shall, in consultation with the board and as funding allows, modify the information website described in Subsection (10) to:
  - (a) by January 1, 2015, serve as a point of access for Government Records Access and Management requests for executive agencies;
  - (b) by January 1, 2016, serve as a point of access for Government Records Access and Management requests for:
    - (i) school districts;
    - (ii) charter schools;
    - (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit District Act;
    - (iv) counties; and

- (v) municipalities;
  - (c) by January 1, 2017, serve as a point of access for Government Records Access and Management requests for:
    - (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local Districts; and
    - (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;
  - (d) except as provided in Subsection (12)(a), provide link capabilities to other existing repositories of public information, including maps, photograph collections, legislatively required reports, election data, statute, rules, regulations, and local ordinances that exist on other agency and political subdivision websites;
  - (e) provide multiple download options in different formats, including nonproprietary, open formats where possible;
  - (f) provide any other public information that the board, under Subsection (10), identifies as appropriate for publication on the information website; and
  - (g) incorporate technical elements the board identifies as useful to a citizen using the information website.
- (12)
- (a) The department, in consultation with the board, shall establish by rule any restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on the website described in Subsection (10) if the inclusion would pose a potential security concern.
  - (b) The website described in Subsection (10) may not publish any record that is classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 95, 2018 General Session