# GRAMA Provisions for Private Information

**63G-2-302.  Private records.**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (1) | The following records are private:   |  |  | | --- | --- | | (a) | records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels; |      |  |  | | --- | --- | | (b) | records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data; |      |  |  | | --- | --- | | (c) | records of publicly funded libraries that when examined alone or with other records identify a patron; |      |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (d) | records received by or generated by or for:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (i) | the Independent Legislative Ethics Commission, except for:   |  |  | | --- | --- | | (A) | the commission's summary data report that is required under legislative rule; and |      |  |  | | --- | --- | | (B) | any other document that is classified as public under legislative rule; or | |      |  |  | | --- | --- | | (ii) | a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule; | |      |  |  | | --- | --- | | (e) | records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in [Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints](https://le.utah.gov/xcode/Title63A/Chapter14/63A-14.html?v=C63A-14_1800010118000101); |      |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (f) | records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (i) | if, prior to the meeting, the chair of the committee determines release of the records:   |  |  | | --- | --- | | (A) | reasonably could be expected to interfere with the investigation undertaken by the committee; or |      |  |  | | --- | --- | | (B) | would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and | |      |  |  | | --- | --- | | (ii) | after the meeting, if the meeting was closed to the public; | |      |  |  | | --- | --- | | (g) | employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions; |      |  |  | | --- | --- | | (h) | records or parts of records under Section [63G-2-303](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S303.html?v=C63G-2-S303_1800010118000101) that a current or former employee identifies as private according to the requirements of that section; |      |  |  | | --- | --- | | (i) | that part of a record indicating a person's social security number or federal employer identification number if provided under Section [31A-23a-104](https://le.utah.gov/xcode/Title31A/Chapter23A/31A-23a-S104.html?v=C31A-23a-S104_2014040320140513), [31A-25-202](https://le.utah.gov/xcode/Title31A/Chapter25/31A-25-S202.html?v=C31A-25-S202_1800010118000101), [31A-26-202](https://le.utah.gov/xcode/Title31A/Chapter26/31A-26-S202.html?v=C31A-26-S202_1800010118000101), [58-1-301](https://le.utah.gov/xcode/Title58/Chapter1/58-1-S301.html?v=C58-1-S301_1800010118000101), [58-55-302](https://le.utah.gov/xcode/Title58/Chapter55/58-55-S302.html?v=C58-55-S302_2017050920170509), [61-1-4](https://le.utah.gov/xcode/Title61/Chapter1/61-1-S4.html?v=C61-1-S4_1800010118000101), or [61-2f-203](https://le.utah.gov/xcode/Title61/Chapter2F/61-2f-S203.html?v=C61-2f-S203_2016051020160510); |      |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (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; or |      |  |  | | --- | --- | | (iv) | date of birth; | |      |  |  | | --- | --- | | (k) | a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection [20A-2-104(4)(f)](https://le.utah.gov/xcode/Title20A/Chapter2/20A-2-S104.html?v=C20A-2-S104_2015051220150512#20A-2-104(4)(f)) or [20A-2-101.1(5)(a)](https://le.utah.gov/xcode/Title20A/Chapter2/20A-2-S101.1.html?v=C20A-2-S101.1_2015051220150512#20A-2-101.1(5)(a)); |      |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (l) | a record that:   |  |  | | --- | --- | | (i) | contains information about an individual; |      |  |  | | --- | --- | | (ii) | is voluntarily provided by the individual; and |      |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (iii) | goes into an electronic database that:   |  |  | | --- | --- | | (A) | is designated by and administered under the authority of the Chief Information Officer; and |      |  |  | | --- | --- | | (B) | acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency; | | |      |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | (m) | information provided to the Commissioner of Insurance under:   |  |  | | --- | --- | | (i) | Subsection [31A-23a-115(3)(a)](https://le.utah.gov/xcode/Title31A/Chapter23A/31A-23a-S115.html?v=C31A-23a-S115_2017050920170509#31A-23a-115(3)(a)); |      |  |  | | --- | --- | | (ii) | Subsection [31A-23a-302(4)](https://le.utah.gov/xcode/Title31A/Chapter23A/31A-23a-S302.html?v=C31A-23a-S302_2017050920170509#31A-23a-302(4)); or |      |  |  | | --- | --- | | (iii) | Subsection [31A-26-210(4)](https://le.utah.gov/xcode/Title31A/Chapter26/31A-26-S210.html?v=C31A-26-S210_2017050920170509#31A-26-210(4)); | |      |  |  | | --- | --- | | (n) | information obtained through a criminal background check under [Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems](https://le.utah.gov/xcode/Title11/Chapter40/11-40.html?v=C11-40_1800010118000101); |      |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (o) | information provided by an offender that is:   |  |  | | --- | --- | | (i) | required by the registration requirements of [Title 77, Chapter 41, Sex and Kidnap Offender Registry](https://le.utah.gov/xcode/Title77/Chapter41/77-41.html?v=C77-41_1800010118000101) or [Title 77, Chapter 43, Child Abuse Registry](https://le.utah.gov/xcode/Title77/Chapter43/77-43.html?v=C77-43_2017050920170509); and |      |  |  | | --- | --- | | (ii) | not required to be made available to the public under Subsection [77-41-110(4)](https://le.utah.gov/xcode/Title77/Chapter41/77-41-S110.html?v=C77-41-S110_1800010118000101#77-41-110(4)) or [77-43-108(4)](https://le.utah.gov/xcode/Title77/Chapter43/77-43-S108.html?v=C77-43-S108_2017050920170509#77-43-108(4)); | |      |  |  | | --- | --- | | (p) | a statement and any supporting documentation filed with the attorney general in accordance with Section [34-45-107](https://le.utah.gov/xcode/Title34/Chapter45/34-45-S107.html?v=C34-45-S107_2016051020160510), if the federal law or action supporting the filing involves homeland security; |      |  |  | | --- | --- | | (q) | electronic toll collection customer account information received or collected under Section [72-6-118](https://le.utah.gov/xcode/Title72/Chapter6/72-6-S118.html?v=C72-6-S118_1800010118000101) and customer information described in Section [17B-2a-815](https://le.utah.gov/xcode/Title17B/Chapter2A/17B-2a-S815.html?v=C17B-2a-S815_1800010118000101) received or collected by a public transit district, including contact and payment information and customer travel data; |      |  |  | | --- | --- | | (r) | an email address provided by a military or overseas voter under Section [20A-16-501](https://le.utah.gov/xcode/Title20A/Chapter16/20A-16-S501.html?v=C20A-16-S501_1800010118000101); |      |  |  | | --- | --- | | (s) | a completed military-overseas ballot that is electronically transmitted under [Title 20A, Chapter 16, Uniform Military and Overseas Voters Act](https://le.utah.gov/xcode/Title20A/Chapter16/20A-16.html?v=C20A-16_1800010118000101); |      |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (t) | records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section [11-49-201](https://le.utah.gov/xcode/Title11/Chapter49/11-49-S201.html?v=C11-49-S201_1800010118000101), except for:   |  |  | | --- | --- | | (i) | the commission's summary data report that is required in Section [11-49-202](https://le.utah.gov/xcode/Title11/Chapter49/11-49-S202.html?v=C11-49-S202_1800010118000101); and |      |  |  | | --- | --- | | (ii) | any other document that is classified as public in accordance with [Title 11, Chapter 49, Political Subdivisions Ethics Review Commission](https://le.utah.gov/xcode/Title11/Chapter49/11-49.html?v=C11-49_1800010118000101); | |      |  |  | | --- | --- | | (u) | a record described in Subsection [53A-11a-203(3)](https://le.utah.gov/xcode/Title53A/Chapter11A/53A-11a-S203.html?v=C53A-11a-S203_2017050920170509#53A-11a-203(3)) that verifies that a parent was notified of an incident or threat; and |      |  |  | | --- | --- | | (v) | a criminal background check or credit history report conducted in accordance with Section [63A-3-201](https://le.utah.gov/xcode/Title63A/Chapter3/63A-3-S201.html?v=C63A-3-S201_2016051020160510). | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (2) | The following records are private if properly classified by a governmental entity:   |  |  | | --- | --- | | (a) | records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection [63G-2-301(2)(b)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S301.html?v=C63G-2-S301_2014040320140513#63G-2-301(2)(b)) or [63G-2-301(3)(o)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S301.html?v=C63G-2-S301_2014040320140513#63G-2-301(3)(o)) or private under Subsection [(1)(b)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S302.html?v=C63G-2-S302_2017050920170509#63G-2-302(1)(b)); |      |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | (b) | records describing an individual's finances, except that the following are public:   |  |  | | --- | --- | | (i) | records described in Subsection [63G-2-301(2)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S301.html?v=C63G-2-S301_2014040320140513#63G-2-301(2)); |      |  |  | | --- | --- | | (ii) | information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or |      |  |  | | --- | --- | | (iii) | records that must be disclosed in accordance with another statute; | |      |  |  | | --- | --- | | (c) | records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency; |      |  |  | | --- | --- | | (d) | other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; |      |  |  | | --- | --- | | (e) | records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it; |      |  |  | | --- | --- | | (f) | any portion of a record in the custody of the Division of Aging and Adult Services, created in Section [62A-3-102](https://le.utah.gov/xcode/Title62A/Chapter3/62A-3-S102.html?v=C62A-3-S102_1800010118000101), that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and |      |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (g) | audio and video recordings created by a body-worn camera, as defined in Section [77-7a-103](https://le.utah.gov/xcode/Title77/Chapter7A/77-7a-S103.html?v=C77-7a-S103_2016051020160510), that record sound or images inside a home or residence except for recordings that:   |  |  | | --- | --- | | (i) | depict the commission of an alleged crime; |      |  |  | | --- | --- | | (ii) | record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon; |      |  |  | | --- | --- | | (iii) | record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency; |      |  |  | | --- | --- | | (iv) | contain an officer involved critical incident as defined in Section [76-2-408(1)(d)](https://le.utah.gov/xcode/Title76/Chapter2/76-2-S408.html?v=C76-2-S408_2015051220150512#76-2-408(1)(d)); or |      |  |  | | --- | --- | | (v) | have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording. | | |

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (3) | |  |  | | --- | --- | | (a) | As used in this Subsection [(3)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S302.html?v=C63G-2-S302_2017050920170509#63G-2-302(3)), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation. |      |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (b) | Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section [63G-2-304](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S304.html?v=C63G-2-S304_1800010118000101) when the records are sought:   |  |  | | --- | --- | | (i) | in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or |      |  |  | | --- | --- | | (ii) | after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense. | |      |  |  | | --- | --- | | (c) | Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider. | |

**63G-2-303.  Private information concerning certain government employees.**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (1) | As used in this section:   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (a) | "At-risk government employee" means a current or former:   |  |  | | --- | --- | | (i) | peace officer as specified in Section [53-13-102](https://le.utah.gov/xcode/Title53/Chapter13/53-13-S102.html?v=C53-13-S102_1800010118000101); |      |  |  | | --- | --- | | (ii) | supreme court justice; |      |  |  | | --- | --- | | (iii) | judge of an appellate, district, or juvenile court, or a court commissioner; |      |  |  | | --- | --- | | (iv) | justice court judge; |      |  |  | | --- | --- | | (v) | judge authorized by [Title 39, Chapter 6, Utah Code of Military Justice](https://le.utah.gov/xcode/Title39/Chapter6/39-6.html?v=C39-6_1800010118000101); |      |  |  | | --- | --- | | (vi) | federal judge; |      |  |  | | --- | --- | | (vii) | federal magistrate judge; |      |  |  | | --- | --- | | (viii) | judge authorized by Armed Forces, Title 10, United States Code; |      |  |  | | --- | --- | | (ix) | United States Attorney; |      |  |  | | --- | --- | | (x) | Assistant United States Attorney; |      |  |  | | --- | --- | | (xi) | a prosecutor appointed pursuant to Armed Forces, Title 10, United States Code; |      |  |  | | --- | --- | | (xii) | a law enforcement official as defined in Section [53-5-711](https://le.utah.gov/xcode/Title53/Chapter5/53-5-S711.html?v=C53-5-S711_2014040320140513); or |      |  |  | | --- | --- | | (xiii) | a prosecutor authorized by [Title 39, Chapter 6, Utah Code of Military Justice](https://le.utah.gov/xcode/Title39/Chapter6/39-6.html?v=C39-6_1800010118000101). | |      |  |  | | --- | --- | | (b) | "Family member" means the spouse, child, sibling, parent, or grandparent of an at-risk government employee who is living with the employee. | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (2) | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (a) | Pursuant to Subsection [63G-2-302(1)(h)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S302.html?v=C63G-2-S302_2015051220150512#63G-2-302(1)(h)), an at-risk government employee may file a written application that:   |  |  | | --- | --- | | (i) | gives notice of the employee's status to each agency of a government entity holding a record or a part of a record that would disclose the employee's or the employee's family member's home address, home telephone number, Social Security number, insurance coverage, marital status, or payroll deductions; and |      |  |  | | --- | --- | | (ii) | requests that the government agency classify those records or parts of records private. | |      |  |  | | --- | --- | | (b) | An at-risk government employee desiring to file an application under this section may request assistance from the government agency to identify the individual records containing the private information specified in Subsection [(2)(a)(i)](https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S303.html?v=C63G-2-S303_1800010118000101#63G-2-303(2)(a)(i)). |      |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | (c) | Each government agency shall develop a form that:   |  |  | | --- | --- | | (i) | requires the at-risk government employee to provide evidence of qualifying employment; |      |  |  | | --- | --- | | (ii) | requires the at-risk government employee to designate each specific record or part of a record containing the employee's home address, home telephone number, Social Security number, insurance coverage, marital status, or payroll deductions that the applicant desires to be classified as private; and |      |  |  | | --- | --- | | (iii) | affirmatively requests that the government entity holding those records classify them as private. | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| (3) | A county recorder, county treasurer, county auditor, or a county tax assessor may fully satisfy the requirements of this section by:   |  |  | | --- | --- | | (a) | providing a method for the assessment roll and index and the tax roll and index that will block public access to the home address, home telephone number, situs address, and Social Security number; and |      |  |  | | --- | --- | | (b) | providing the at-risk government employee requesting the classification with a disclaimer informing the employee that the employee may not receive official announcements affecting the employee's property, including notices about proposed annexations, incorporations, or zoning modifications. | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| (4) | A government agency holding records of an at-risk government employee classified as private under this section may release the record or part of the record if:   |  |  | | --- | --- | | (a) | the employee or former employee gives written consent; |      |  |  | | --- | --- | | (b) | a court orders release of the records; or |      |  |  | | --- | --- | | (c) | the government agency receives a certified death certificate for the employee or former employee. | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| (5) | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | (a) | If the government agency holding the private record receives a subpoena for the records, the government agency shall attempt to notify the at-risk government employee or former employee by mailing a copy of the subpoena to the employee's last-known mailing address together with a request that the employee either:   |  |  | | --- | --- | | (i) | authorize release of the record; or |      |  |  | | --- | --- | | (ii) | within 10 days of the date that the copy and request are mailed, deliver to the government agency holding the private record a copy of a motion to quash filed with the court who issued the subpoena. | |      |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | (b) | The government agency shall comply with the subpoena if the government agency has:   |  |  | | --- | --- | | (i) | received permission from the at-risk government employee or former employee to comply with the subpoena; |      |  |  | | --- | --- | | (ii) | not received a copy of a motion to quash within 10 days of the date that the copy of the subpoena was mailed; or |      |  |  | | --- | --- | | (iii) | received a court order requiring release of the records. | | |