

# 2021 updates

to the

## **Government Records Access and Management Act**

Rosemary Cundiff  
April 7, 2021

# 2020 Update summary GRAMA



## Definition modifications:

- record does not mean confidential communications
- accident reports are not initial contact reports

## The following records are private:

- phone number on voter registration records
- personal information related to property tax payments

## The following records are protected:

- part of general regulatory sandbox applications that GOED determines should be confidential
- jail booking photographs
- records concerning interstate negotiations for use of water in the Colorado River.

## Court can remand to SRC

# Definitions

---

63G-2-103(22)

(a) Record means documentary material regardless of physical form or characteristics:

(i) that is prepared, owned, received, or retained by a governmental entity; and

<sup>s</sup>

(ii) where the information in the original is reproducible.

<sup>sss</sup>

(b) Record does not mean:

- a personal note or communication
- a temporary draft or similar material
- proprietary software
- commercial mail or publications



# Not a record

63G-2-103(22)(b)(xviii)

“Record” does not mean:

- Confidential communications with psychologists or mental health professionals that are part of an individual’s treatment or diagnosis.

**H.B. 350 Mental Health Records  
Confidentiality Amendments**



# Definitions

---

- 63G-2-103(14)(a)
  - Initial contact report means an initial written or recorded report prepared by peace officers describing initial actions taken in response to a complaint or apparent violation of the law, including:
    - . date, time, location, nature of event or offense
    - . names of victims
    - . description of initial actions taken
    - . general nature of injuries or damages
    - . Identifying information about any person arrested
    - . identity of public safety personnel (not undercover)



# Not an initial contact report

63G-2-103(14)(c)

- Initial contact reports to not include accident reports as described in 41-6a-4.

**S.B 60 Accident Reports  
Amendments**



# Private records

63G-2-302(1)(j)(v)

- The following records are private:
  - Phone numbers on voter registration records.

(in addition to SS#, ID#, DL#, email address, and birth date)

**H.B. 70 Ballot Tracking  
Amendments**





# Private records

63G-2-302(1)(z)(aa)

- The following records are private:
  - on a record maintained by a county for the purpose of administering property taxes:
    - email address
    - phone number
    - personal finance information related payment method
  - a record submitted by a taxpayer to establish eligibility for exemption, deferral, abatement, or relief related to property taxes.



**H.B. 221 Property Tax Records**



# Protected records

- 63G-2-305(82)
- The following records are protected if properly classified:
  - any part of an application to the General Regulatory Sandbox Program that GOED determines is confidential information because disclosure would result in actual harm to the applicant.
  - May not be used to limit access to a final contract.



H.B. 217 Regulatory Sandbox Program Amendments

# Protected records

- 63G-2-305(83)
- The following records are protected if properly classified:
  - an image taken of an individual during the process of booking into jail unless:
    - the individual is convicted of a criminal offense based on the conduct for which the individual was incarcerated at the time the image was taken.
    - a law enforcement agency disseminates the image after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and disseminating the image will reduce the threat; or
    - a judge orders dissemination based on a finding that dissemination furthers a legitimate law enforcement interest

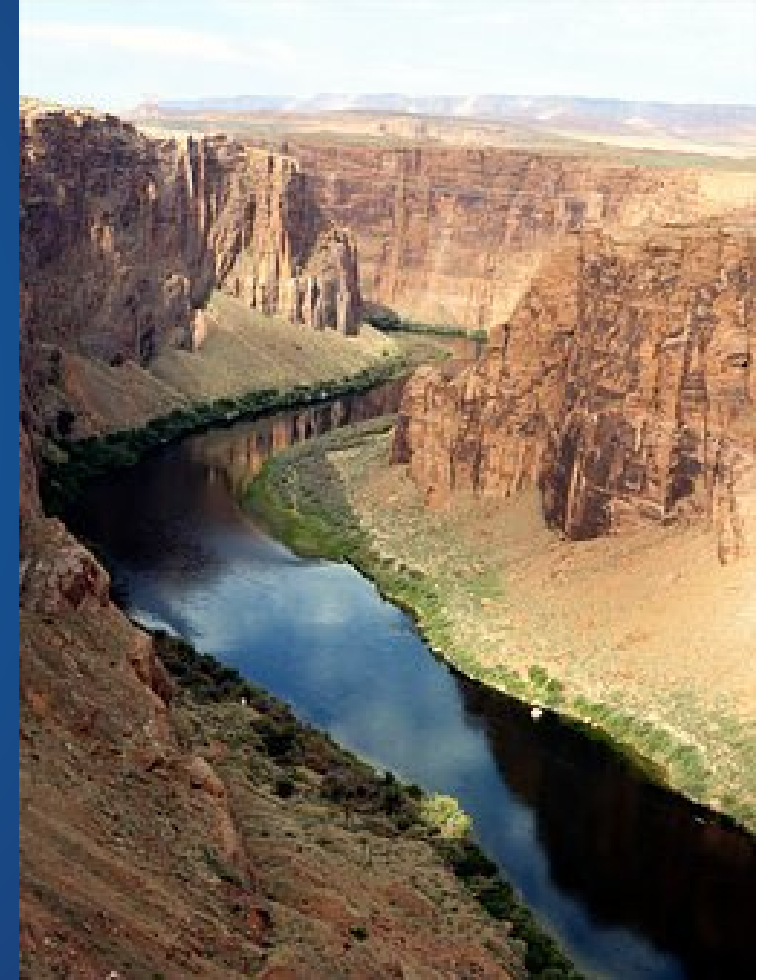


**H.B. 228 Jail Photo Distribution Prohibition**



# Protected records

- 63G-2-305(84)
- The following records are protected if properly classified:
  - record concerning interstate claim to the use of water in the Colorado River system relating to a judicial or administrative proceeding, or negotiation with another state or the federal government, and
    - disclosure would reveal a legal strategy relating to the state's claim to use of water in the Colorado River system,
    - harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of the water in the Colorado River system; or
    - give an advantage to another state or the federal government in negotiations regarding the use of water.



**H.B. 297 Colorado River Amendments**

# Remand to records committee

- 63G-2-404(6)(b)
- A court may remand a petition for judicial review to the State Records Committee if the remand is to allow the Committee to decide on an issue that:
  - involves access to a record, and
  - the Committee has not previously addressed the issue in the proceeding that led to the petition for judicial review, and
  - the court determines that remanding to the State Records Committee is in the best interests of justice.

