

Record Sharing Agreement for Contractors and Private Providers

Note: Utah Code Section [63G-2-206\(6\)\(b\)](#) a contractor or private provider may receive records or information that is private, controlled or protected only if the contractor or private provider's use of the record(s) (a) produces a public benefit that is greater than or equal to the individual privacy right that protects the record or record series; (b) the records are necessary for the performance of a contract with the governmental entity, will only be used to perform the contract, will not be disclosed to any other person, and will not be used for advertising purposes; and (c) the contractor or private provider gives written assurance that it will adhere to these restriction.

Originating governmental entity information

Name: _____

Address: _____

City/State/ZIP: _____

Records officer or contact person: _____

Telephone number: _____

Email address: _____

Individual or company name

Name: _____

Address: _____

City/State/ZIP: _____

Name of contact person: _____

Telephone number: _____

Email address: _____

Description of records being shared

Title/ series number/ description: _____

Inclusive dates: _____

Format: _____

Reason for sharing records: _____

Records classification designations(s): _____

Legal citation supporting classification designation(s): _____

Agreement

As a representative of _____ I confirm that access to these records are necessary to the performance of a contract with _____ .
(contractor or private provider)

The records will be used in the following way:

I commit that the records will only be used for the performance of this contract; that they will not be disclosed to any other person, and that they will not be used for advertising or solicitation purposes.

Signature _____ **Date** _____

Office Use

Sharing these records is authorized because the recipient entity is:

- ☐ Entitled by law to inspect the records.

Provide legal citation: _____

- ☐ Required to inspect the records as a condition of participating in a state or federal program or for receiving state or federal funds

Provide explanation: _____

(see [Utah Code Section 63G-2-206\(3\)](#))

- ☐ A repository or archives that is providing services related to records preservation, administration, maintenance, or destruction

- ☐ An entity that enforces, litigates, or investigates civil, criminal, or administrative law, and the records are necessary for a proceeding or investigation.

- ☐ An entity that is authorized by state statute to conduct an audit and the records are necessary for the audit.

- ☐ An entity that collects information for presentence, probationary, or parole purposes.

- ☐ Is the Legislature, a member of the Legislature or a legislative committee, and the records relate to the Legislature's duties (see [Utah Code Section 63G-2-206\(1\)](#)).

If none of the above, sharing is authorized because recipient assures that the records:

- ☐ Are necessary to the performance of the recipient governmental entity's duties and functions

Describe duties and functions: _____

- ☐ Will be used for a purpose similar to the purpose for which the information in the records or record series was collected or obtained

Describe purpose: _____

- ☐ Will be used for a purpose that will produce a public benefit greater than or equal to the individual privacy rights that protect the record or record series.

Describe expected public benefit: _____

(see [Utah Code Section 63G-2-206\(2\)](#)).

If none of the above, disclosure must be authorized by executive agreement, treaty, federal statute, compact, federal regulation, or state statute.

(see [Utah Code Section 63G-2-206\(7\)](#))

Note: [Utah Code Section 63G-2-206 \(8\)](#) The following records may not be shared under this section:

(a) records held by the Division of Oil, Gas, and Mining that pertain to any person and that are gathered under authority of Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining;

(b) records of publicly funded libraries as described in Subsection [63G-2-302\(1\)\(c\)](#); and

(c) a record described in Section [63G-12-210](#).

(9) Records that may evidence or relate to a violation of law may be disclosed to a government prosecutor, peace officer, or auditor.