



OFFICE OF THE
STATE AUDITOR

News Release

For Immediate Release

June 19, 2024

Office of the State Auditor Completes Investigation of Two HB 257-Related Complaints

Salt Lake City, UTAH –

The following is a statement from State Auditor John Dougall:

Last month, the Office of the State Auditor (Office) identified five complaints that were possible good-faith efforts to identify potential violations of HB 257, codified at Utah Code 63G-31 (Statute), after sifting through thousands of bogus complaints. Earlier this month, the Office investigated four of those complaints. The fifth potentially viable complaint was regarding the Department of Corrections (Corrections). The Office has since investigated that fifth complaint. The Office was unable to substantiate this allegation but during the investigation we determined that Corrections did not have a privacy compliance plan. We reminded Corrections of its duty to adopt a compliance plan and have allowed them 30 days to do so.

The Office also received a sixth complaint alleging the lack of any privacy compliance plan for bathrooms in the east building of the Capitol complex. No additional violation was alleged. The Office investigated the complaint and sent notification letters to both the Capitol Preservation Board (CPB) and the Division of Facilities Construction and Management (DFCM) in an effort to identify the responsible party. Neither entity had adopted compliance plans for bathrooms at the Capitol complex. It was also unclear to the Office which entity is responsible to draft and adopt a compliance plan for the Capitol complex. We reminded CPB and DFCM of the duty to adopt a compliance plan for the Capitol complex and have allowed for 30 days for one of them to do so.

Based on these two investigations, it appears that state agencies did not recognize their duty under the Statute and had not taken steps to prepare to comply with it. While the Office will notify a government entity of noncompliance, when identified during an investigation, each entity has the responsibility to independently and proactively comply with the Statute. Of note, there is a lack of clarity regarding which entity has the duty to adopt a privacy compliance plan in situations when multiple entities either share use or control of facilities for which a plan is required.

The Office continues to screen submitted complaints to identify those that appear credible. During June, almost all of the complaints we received were also frivolous complaints. We have completed our investigations and are not investigating any other complaints at this time. As we identify credible or good-faith complaints, we will investigate those pursuant to the statutory requirement.

The letters sent by the Office to each entity can be found respectively at the following links:

1. Department of Corrections – reporting.auditor.utah.gov/servlet/servlet.FileDownload?file=015Do0000017a5RIAQ
2. Capitol Preservation Board – reporting.auditor.utah.gov/servlet/servlet.FileDownload?file=015Do0000017a5gIAA
3. Division of Facilities Construction and Management – reporting.auditor.utah.gov/servlet/servlet.FileDownload?file=015Do0000017a5WIAQ

The news release and related information may be found on the Office's website at auditor.utah.gov.

About the Office of the State Auditor

The Office of the State Auditor provides Utah taxpayers and government officials with an independent assessment of financial operation, statutory compliance, and performance management for state and local government.

Specific activities of the Office include performing financial audits, conducting Federal funds compliance audits, providing local government oversight, conducting agency and program performance audits, performing fraud and compliance audits, and operating the State Auditor Hotline for citizens to report suspected financial issues or improprieties. These capabilities strengthen Utah State Government and help taxpayers have confidence in the integrity of Utah's government agencies.

The Office also provides interactive graphical tools to help taxpayers and policymakers gain greater insight into governmental financial activities. These tools include the Transparent Utah Public Finance website (transparent.utah.gov) as well as the award-winning Project KIDS public education analysis dashboards (auditor.utah.gov/kids).

The State Auditor is a Constitutional Officer of the State of Utah, elected directly by the state's citizens every four years. The role of the State Auditor is authorized in Article VII, Section 15 of the Utah Constitution. For more information, see auditor.utah.gov.

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