



OFFICE OF THE  
STATE AUDITOR

June 14, 2024

Director Michael Ambre  
Division of Facilities Construction and Management  
4315 South 2700 West, Floor 3  
Taylorsville, UT 84129-2128

Dear Director Ambre:

During the 2024 General Session, the state legislature passed House Bill 257 “Distinctions on the Basis of Sex,” enacted as Utah Code §63G-31 (Statute).

Section 63G-31-401(1)(a) requires the Office of the State Auditor (Office) to “establish a process to receive and investigate alleged violations of the statute by a government entity.” Effective May 1, 2024, the Office established a process to receive alleged violations. Recently, the Office received a complaint regarding the lack of the statutorily required privacy compliance plan for the east building at the Utah State Capitol complex. The Office hereby officially notifies the Division of Facilities Construction and Management (DFCM) regarding the possible violation. The Office has also notified the Capitol Preservation Board since the Office is unclear whether DFCM or the Capitol Preservation Board is the appropriate entity to notify regarding complaints regarding common areas at the Capitol complex. Please inform the Office regarding which entity is responsible for promulgating and enforcing any privacy compliance plans for the Capitol complex.

Additionally, Section 63G-31-401(1)(b)(ii) requires the Office to provide notice to a government entity when the Office determines a violation has occurred. Section 63G-31-304(2)(a) requires each government entity to adopt a privacy compliance plan by May 1, 2024 to address compliance with the entity’s duties under the Statute. During our investigation, we noted that DFCM has not adopted a privacy compliance plan. **Statute allows 30 days to cure the violation. Please send the Office a copy of the official policy once adopted.**

We appreciate the timely and cooperative response of DFCM during this inquiry.

Sincerely,

Office of the State Auditor