

GOVERNMENT
RECORDS OMBUDSMAN
2022 report

Presented to the Government Operations Interim Committee



division of
**Archives and
Records Service**

This report is required by Utah Code 63A-12-111(2)(d).

Prepared by Utah State Archives and Records Service

Government Records Ombudsman
Department of Government Operations
Division of Archives and Records Service

September 1, 2022

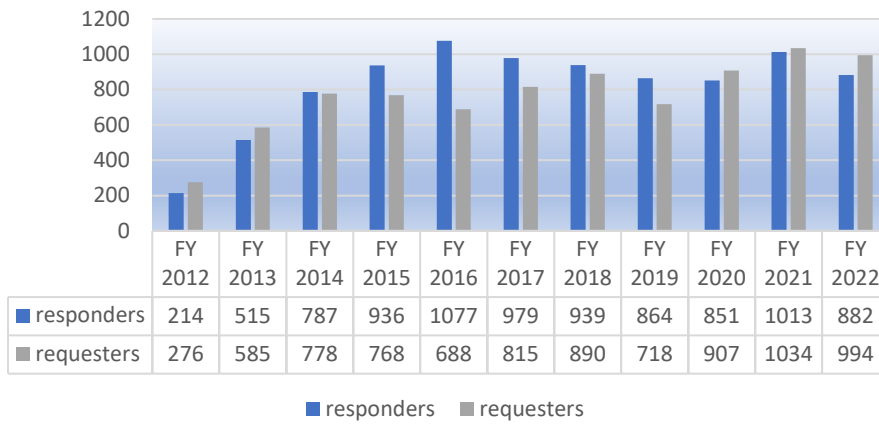
This is a report of the work of the Government Records Ombudsman for fiscal year 2021-2022. The Government Records Ombudsman is required to be familiar with the provisions of the Government Records Access and Management Act (GRAMA) in order to be a resource for people who are seeking government records, making records requests under GRAMA, or appealing denial of access to records. The ombudsman is also a resource for government employees who are responding to records requests. The ombudsman may attempt to mediate disputes over records access issues when both parties are willing to participate. The ombudsman's responsibilities are defined in Utah Code [63A-12-111](#).

In addition to the responsibilities specifically outlined above, the ombudsman provides training about GRAMA and records issues. The ombudsman works closely with the State Records Committee executive secretary and with the administrator of the Public Notice Website and Open Records Portal. Rosemary Cundiff has served as Utah's government records ombudsman since the Utah Legislature created this position in 2012.

Summary of Contacts

During the ten years since the ombudsman's appointment, the number of people who contact the ombudsman for assistance has remained high, suggesting that this position is valuable to both government and the public. During fiscal year 2021-2022 the Government Records Ombudsman provided 1,876 consultations about records issues. Of these, 994 involved records seekers or requesters (the public, the media, and other non-government entities). The remaining 882 consultations were with government employees who were making decisions about records access. **Figure 1** shows trends in contacts over the ten years of the ombudsman's appointment. The statistics show that the ratio of public contacts compared to government contacts has increased over the past three years. Comparatively more members of the public are contacting the ombudsman.

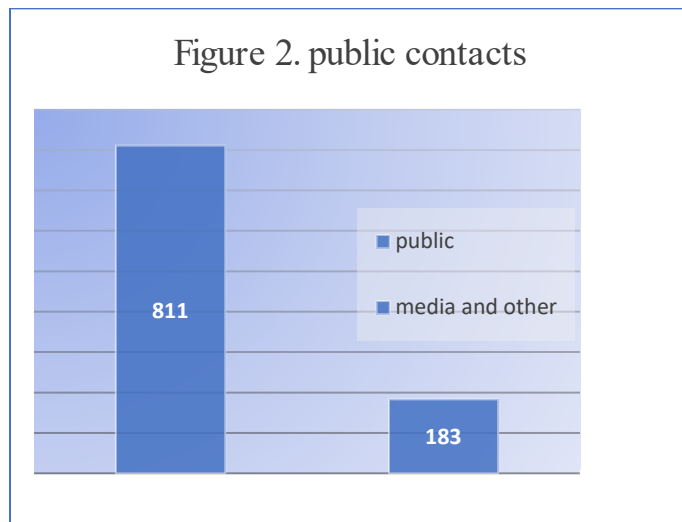
Figure 1. comparison of contacts: requesters and responders 2012-2021



Records requesters:

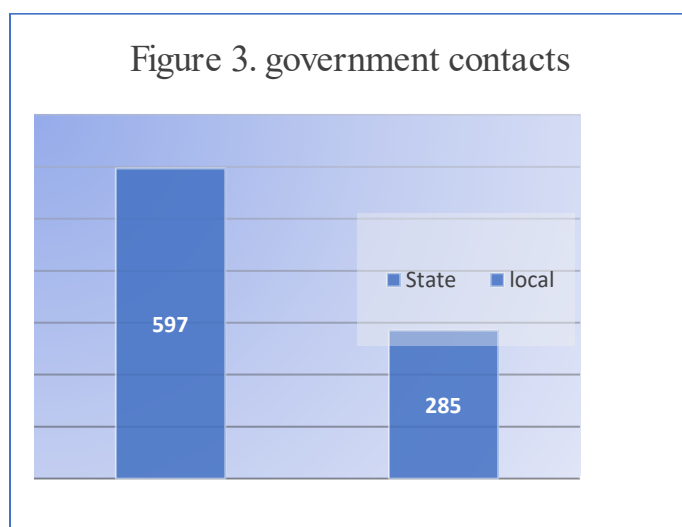
During fiscal year 2021-2022 the Government Records Ombudsman provided 994 consultations with records seekers. Of these, 811 were members of the general public and 183 were members of the media or representatives of other organizations. **Figure 2** shows compares citizen contacts to representatives of media or other entities.

Figure 2. public contacts



Records request responders:

During fiscal year 2021-2022 the Government Records Ombudsman provided 882 consultations with government records officers and personnel. Of these, 285 were employees of state government and 597 were employees of local government, including counties, municipalities, school districts and special districts. **Figure 3** compares state and local government in contacts.



Mediation summary:

A significant part of the ombudsman's work is working with parties to resolve conflicts or appeals through mediation. Mediation provides an opportunity for confidential communication where parties can explore options for resolution and clear up misunderstandings. With an ever-increasing number of appeals being made to the State Records Committee, mediation is a significant resource for involved parties and also for the Records Committee.

During fiscal year 2021-2022 the Government Records Ombudsman mediated 62 disputes over records access issues. Of these, 41 were resolved through mediation. Another 15 appeals moved forward to the State Records Committee for a decision after attempting mediation. Of the 15 appeals heard by the Committee after attempting mediation 5 were partially granted and 10 were denied. The outcome of 4 mediation attempts is still pending, and 2 mediations were conducted after a State Records Committee decision had already been made. Just as the number of appeals continues to increase, the number of mediation attempts also

continues to increase. A summary of information about mediation attempts, including government types and outcome is included as **Table 1**.

Table 1. Mediation by type of entity and type of record or issue in dispute.

	Entity type	Issue	Outcome
1	Public/county	Email and police records	SRC – appeal partially granted
2	Media/DPS	Email and investigation	SRC – appeal denied
3	Public/UDC	Medical records	Resolved in mediation
4	Media/UDC	Police records	Resolved in mediation
5	Media/municipality	Police investigation records	SRC – appeal denied
6	Public/university	Personnel records	Resolved in mediation
7	Public/USB E	Email communications	Resolved in mediation
8	Media/university	Email communications	SRC – appeal partially granted
9	Media/DWS	Benefits records	SRC – appeal denied
10	Public/UDOT	Multiple records	SRC – appeal denied
11	Media/UDC	Fee waiver	Resolved in mediation
12	Public/county	Email communications	Resolved in mediation
13	Media/university	Police video	SRC – appeal denied
14	Public/special district	Open meeting records	Resolved in mediation
15	Media/county	Email communications	Resolved in mediation
16	Public/Tax Commission	Attorney client privilege	Resolved in mediation
17	Entity/interlocal	Fee waiver	Resolved in mediation
18	Public/county	Police reports	Resolved in mediation
19	Public/municipality	Internal investigation	SRC – appeal partially granted
20	Public/county	Fee waiver	Resolved in mediation
21	Public/DCFS	Case file	Resolved in mediation
22	Media/municipality	Internal investigation	Resolved in mediation
23	Public/municipality	Text/email communications	Resolved in mediation
24	Public/municipality	contracts	Resolved in mediation
25	Public/UDC	Email communications	Resolved in mediation
26	Public/Commerce	Email communications	Resolved in mediation
27	Public/UDC	Policies	Resolved in mediation
28	Entity/municipality	Building permits	Resolution pending
29	Media/county	Police records	Resolved in mediation
30	Public/USB E	Email communications	SRC – appeal partially granted
31	Public/county	Text/email communications	Resolved in mediation
32	Public/school district	Email communications	Resolved in mediation
33	Public/municipality	Internal investigation	Post hearing mediation
34	Media/county	Police records	Resolved in mediation
35	Public/county	Email communications	Resolved in mediation
36	Public/school district	School election records	SRC – appeal denied
37	Public/DCFS	Case file	Resolved in mediation
38	Media/municipality	Police records	SRC – appeal partially granted

39	Public/municipality	Contracts	Resolved in mediation
40	Public/school district	Personnel records	Resolved in mediation
41	Public/DCFS	Medical records	Resolved in mediation
42	Public/county	Multiple record types	Resolved in mediation
43	Public/special district	Surveillance video	Resolved in mediation
44	Public/school district	Fee waiver	SRC – appeal denied
45	Public/special district	Contract	Resolved in mediation
46	Public/Lt. Gov.	Text messages	Resolved in mediation
47	Public/county	Police records	Resolved in mediation
48	Public/special district	Water testing records	Post hearing mediation
49	Media/municipality	Police records	Resolved in mediation
50	Media/special district	Police records	SRC – appeal denied
51	Public/county	Internal investigation	Resolved in mediation
52	Public/municipality	Police records	Resolved in mediation
53	Public/municipality	Body camera footage	Hearing pending
54	Public/county	Internal investigation	Resolved in mediation
55	Media/county	Police records	SRC – appeal denied
56	Media/municipality	Police records	SRC – appeal denied
57	Public/DPS	Email communications	Resolved in mediation
58	Public/Tax Commission	Driver license record	Resolved in mediation
59	Media/municipality	Police records	Resolved in mediation
60	Public/school district	Personnel records	Resolved in mediation
61	Entity/UIPA	Email communication	Resolution pending
62	Public/municipality	Open meeting records	Resolution pending

Table 2 and Figure 4 summarize mediation success.

Table 2. Mediation Success

Resolved in mediation	41
Moved to SRC hearing	15
Outcome pending	4
Success not measured by subsequent hearing	2

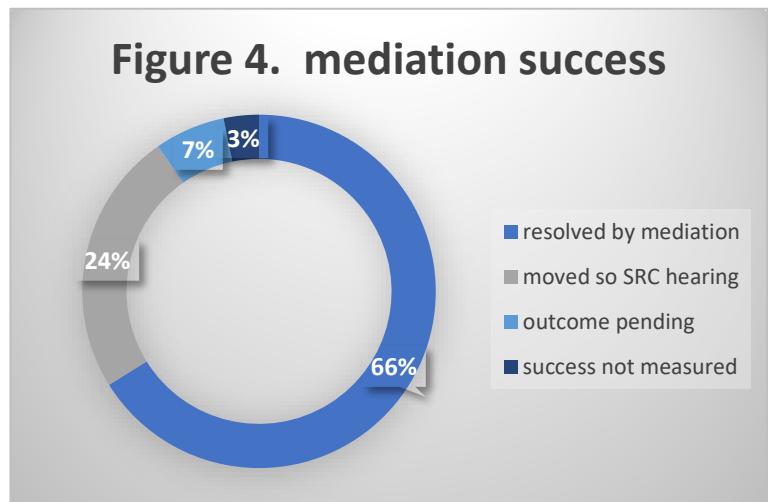
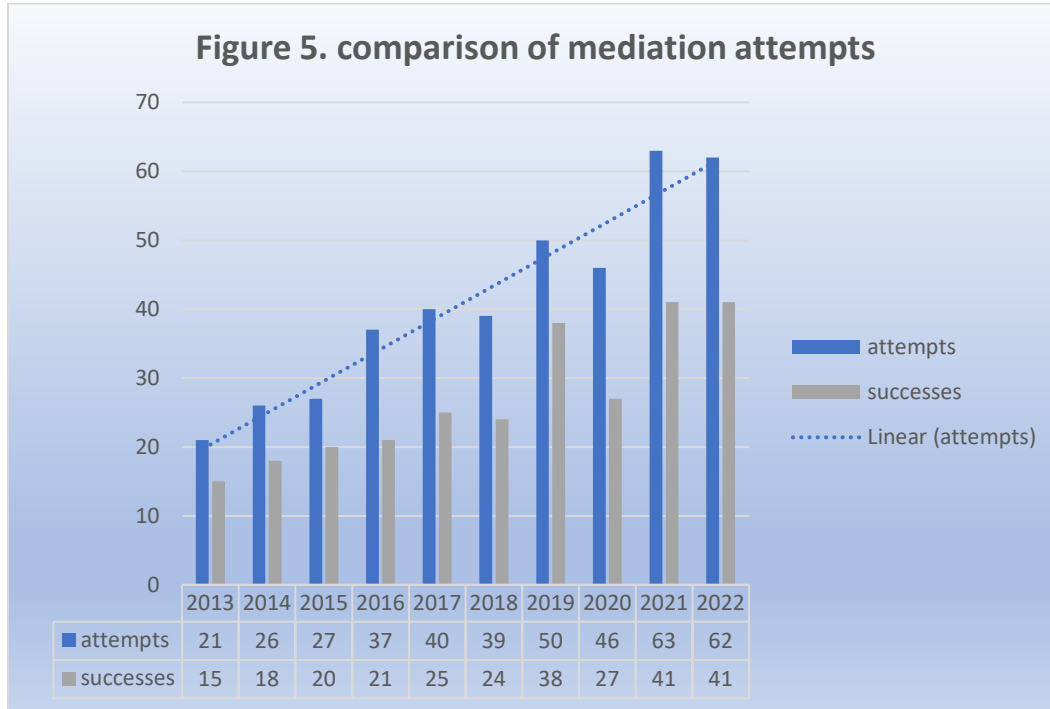


Figure 5 provides a comparison of mediation activity with previous years. It shows the number of mediation attempts compared to the number that were successful where success is measured by the withdrawal of a State Records Committee hearing.



Ombudsman’s additional activities

The Government Records Ombudsman provides training about GRAMA, both virtually and in person. At least 350 people participated in training sessions that the ombudsman presented. State Records Committee Secretary, Rebekkah Shaw, also provided training about GRAMA during the 2021-2022 fiscal year.