

# RECORDS OMBUDSMAN

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Presented to the Government Operations Interim  
Committee and the Political Subdivisions Interim  
Committee

Report compiled by the Utah State Archives

9/10/2012

This report is required in SB177, Government Records Access and Management Act Amendments, sponsored by Senator Curtis S. Bramble and passed during the 2012 General Session of the Utah State Legislature.



**Records Ombudsman**  
**Department of Administrative Services**  
**Utah State Archives**  
September 10, 2012

During the 2012 General Legislative Session, the Utah Legislature passed into law [SB177S01](#), Government Records Access and Management Act Amendments, sponsored by Senator Curtis S. Bramble. This created a new records ombudsman dedicated to assisting the public and government in making and fulfilling records requests and navigating the complicated appeals process (Utah Code [63A-12-111](#)).

The statute in the new section of the Utah Code is specific:

**63A-12-111. Government records ombudsman.**

- (1) (a) The director of the division shall appoint a government records ombudsman.
- (b) The government records ombudsman may not be a member of the records committee.
- (2) The government records ombudsman shall:
  - (a) be familiar with the provisions of Title 63G, Chapter 2, Government Records Access and Management Act;
  - (b) serve as a resource for a person who is making or responding to a records request or filing an appeal relating to a records request;
  - (c) upon request, attempt to mediate disputes between requestors and responders; and
  - (d) on an annual basis, report to the Government Operations and Political Subdivisions Interim Committee on the work performed by the government records ombudsman during the previous year.
- (3) The government records ombudsman may not testify, or be compelled to testify, before the records committee, another administrative body, or a court regarding a matter that the government records ombudsman provided services in relation to under this section.

This program authenticates transparency of the state. It reduces risk in possible litigation or audit. It meets legal obligations associated with open records (GRAMA) requests. It is an important service to the public because it provides an avenue for specific records access questions to be answered. It is an added service to government responders because it provides an additional resource to help them understand the nuances of GRAMA. This program potentially

can increase trust between government, the media, and the public, and reduce the risk of reputational damage to the state when responding to GRAMA requests.

## Records Ombudsman

Since no funding was provided for a records ombudsman position, the director of the State Archives appointed the new records ombudsman from the current staff of the State Archives. Rosemary Cundiff, who is the records management supervisor with six years of experience with GRAMA and state government records management issues, was appointed to act as records ombudsman. She began responding to issues even before the law went into effect because of customer demand and the amount of publicity around the legislation. The State Archives has been able to measure her work since April 10, 2012.

## Activities and services

Performance is measured by the number of contacts/requests made, the number of mediations, the number of successful outcomes, and the effectiveness of tools and forms available to both requestors and responders. Because the statutory time frames allowed for requests and appeals have not expired since the beginning of the program, successful outcomes are not measured in this report.

This report covers the period from April 10, 2012, to August 31, 2012. Subsequent reports will cover fiscal year activities, so some data or information in this report will be duplicated in next year's report.

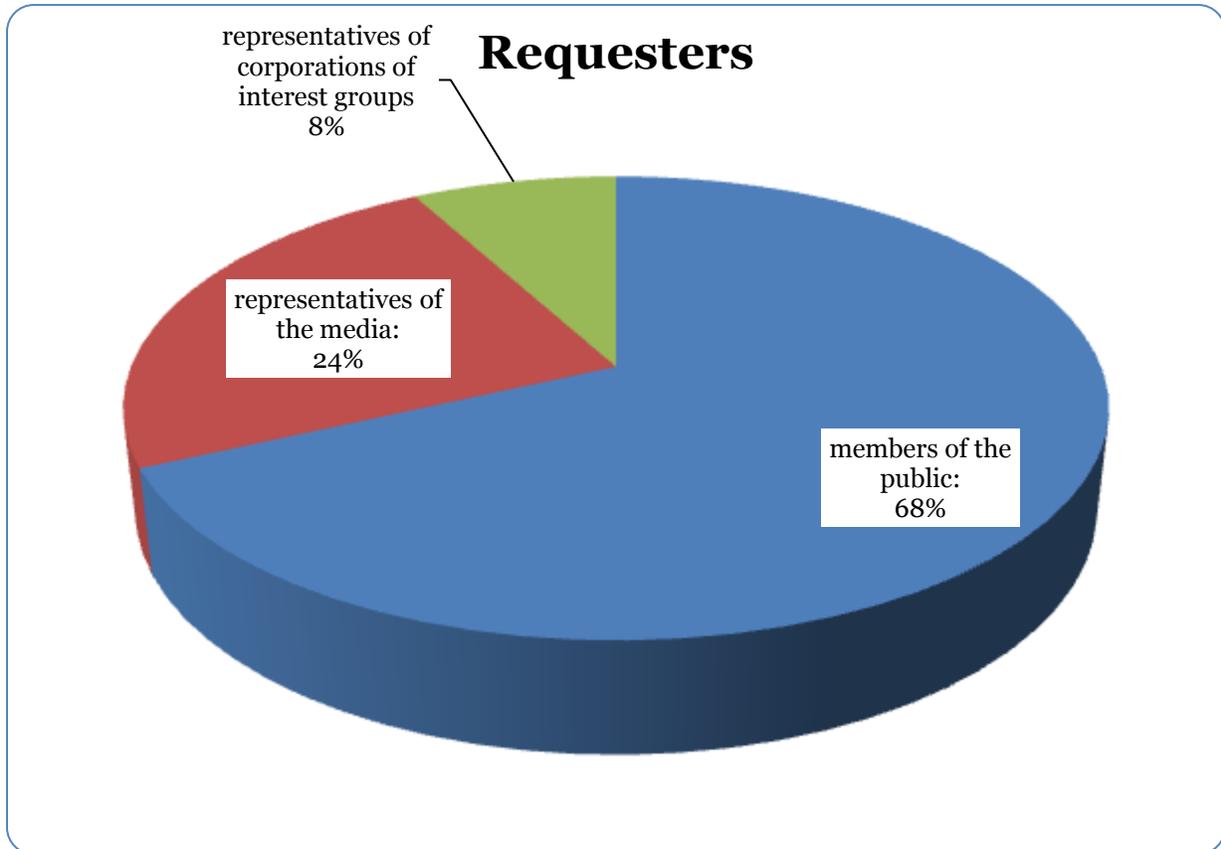
The records ombudsman has provided 490 total consultations, including in person, telephone, and email. Of these, 276 involved records requesters (the public) and 214 involved records responders (governmental entities).

She has been involved in at least ten mediations. In **all** cases, mediation with the records ombudsman has successfully resolved the issue entirely, significantly narrowed the issues in conflict, or provided clear instructions on the appeals process.

Because of present resources, the records ombudsman is responding to issues and requests. If more time were available she could take a more proactive approach. A proactive approach would include more follow up on issues brought to the ombudsman's attention and the creation of a GRAMA website that could be rich with resources for both records responders and the public. Two handouts were created to help in the GRAMA process: [GRAMA Request and Appeal Time Limits](#) and [Navigating the GRAMA Appeals Process](#). They currently are posted on the State Archives blog. A GRAMA website can include many more resources like these posts as well as links to other resources and interfaces for communication with the records ombudsman.

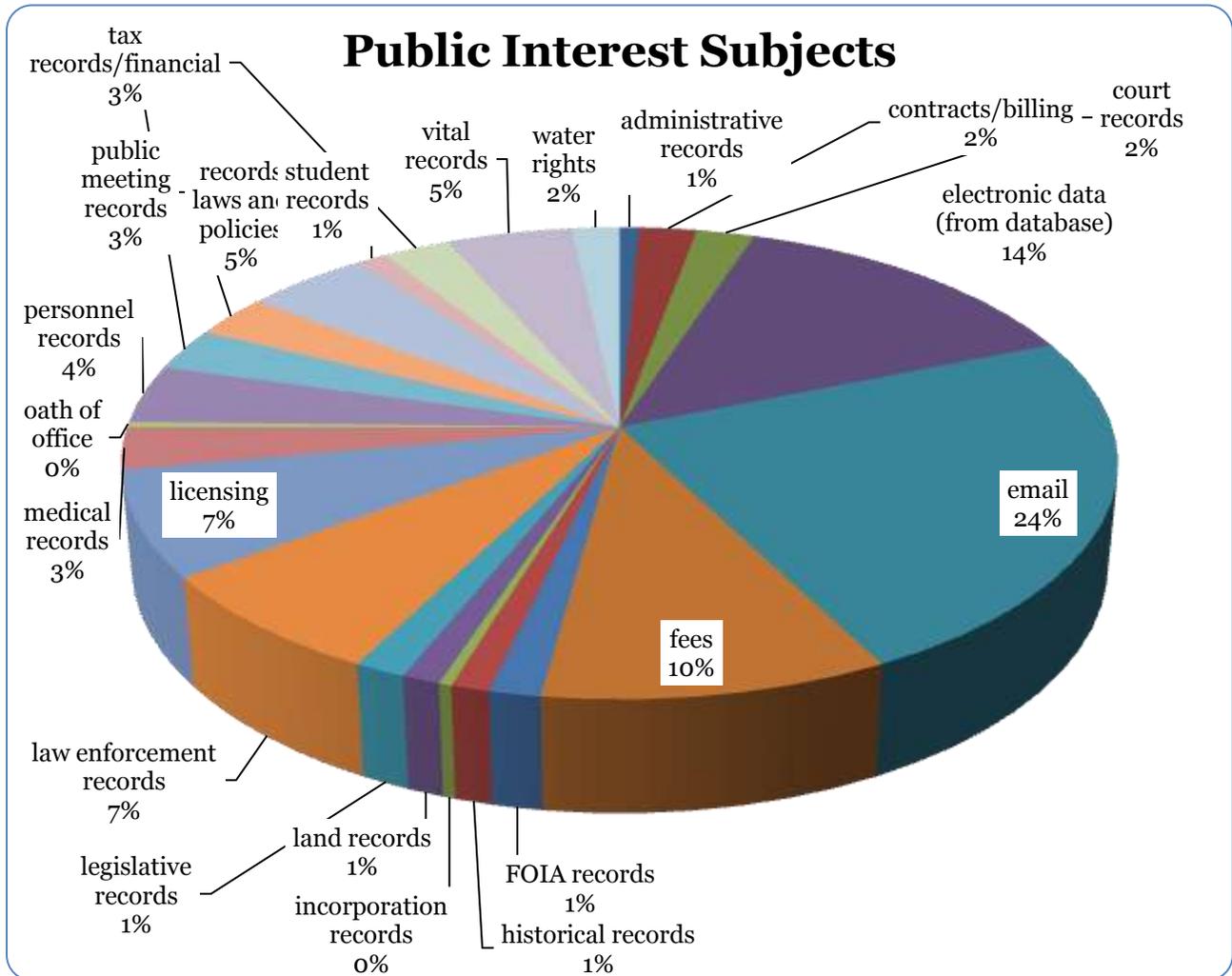
## Requesters

The records ombudsman provided 276 consultations with records requestors. Of these, the majority were with members of the general public, which accounted for 68 percent of all consultations with records requestors. Requesters who are representatives of the media accounted for 24 percent, which was only about one third of the public's percentage. About 8 percent of consultations were with requestors who represented corporations or interest groups



## Types of records

The records of public interest vary, as demonstrated in the chart below. Questions ranged from record content to fees. The issue of electronic records, however, was of high interest, with 38 percent of requests identified by electronic format. Ten percent of requester consultations dealt with problems associated with the payment of GRAMA fees. Five percent of consultations were questions about records laws and policies.



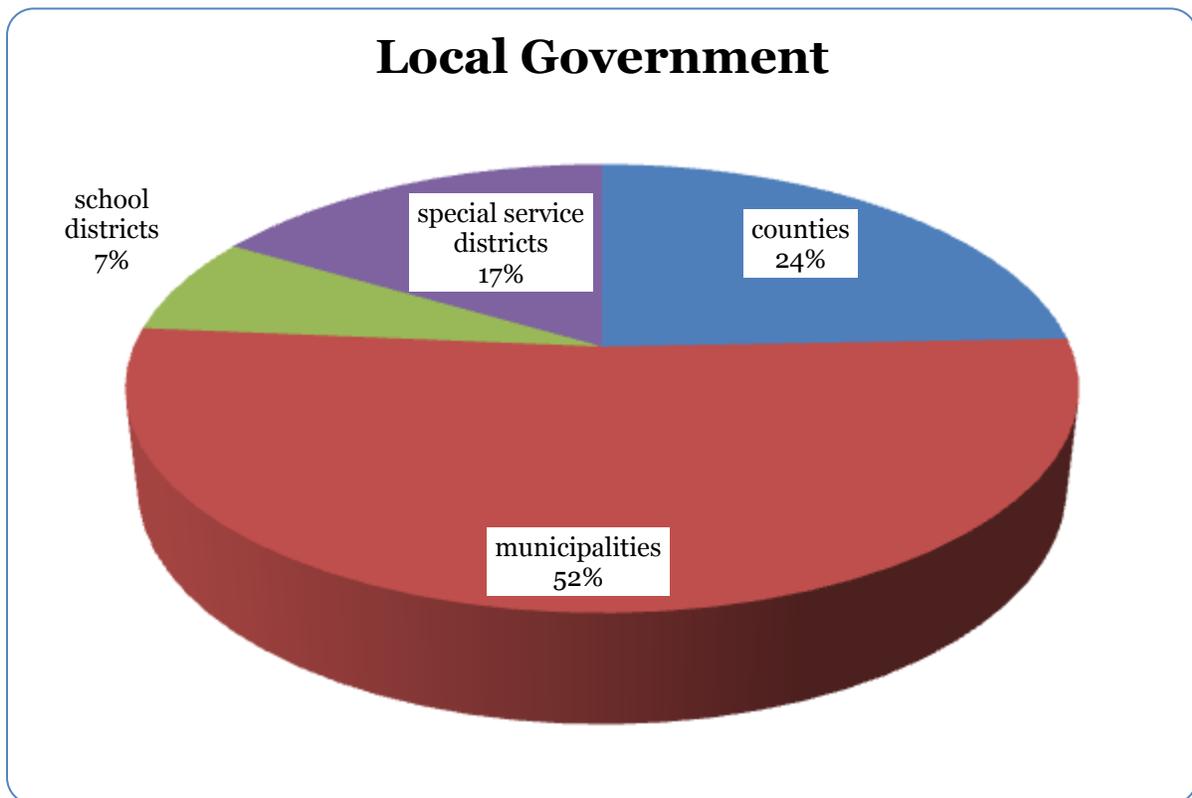
(Subjects with 0% had one request)

## Responders

Of 214 consultations with governmental entity responders, 127 were with representatives of local government and 87 were with employees of state government.

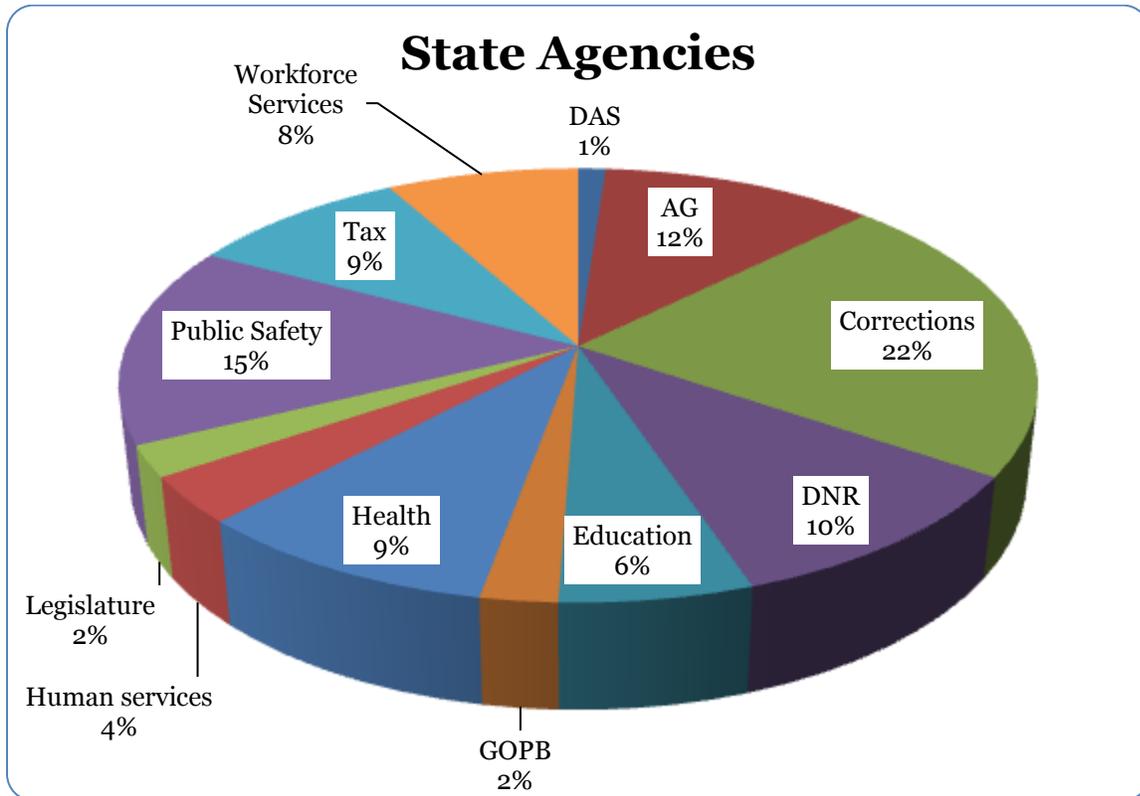
### Local government responders

This chart shows local governments' interaction with the records ombudsman. The local government responder initiating the most contact is municipalities, with 52 percent. Counties, special service districts, and school districts accounted for 31 percent, 21 percent, and 9 percent respectively.



## State agency responders

Within state government, Public Safety and Corrections were the most frequent consultants. Taken together they accounted for 37 percent of all state agency consultations.



## Types of records

The subjects of governmental entities' records issues vary as much as public requests. Like requesters, email, electronic data, and fees are primary areas of interest. Issues around providing access to law enforcement records were another significant concern for records responders. While requesters asked for direction in obtaining access to public records such as court records, vital records, incorporation records, and land records, no responders discussed these topics. Collectively, electronic records comprised 27 percent of issues, but the highest single subject at issue concerned requests regarding law enforcement records, at 17 percent.

