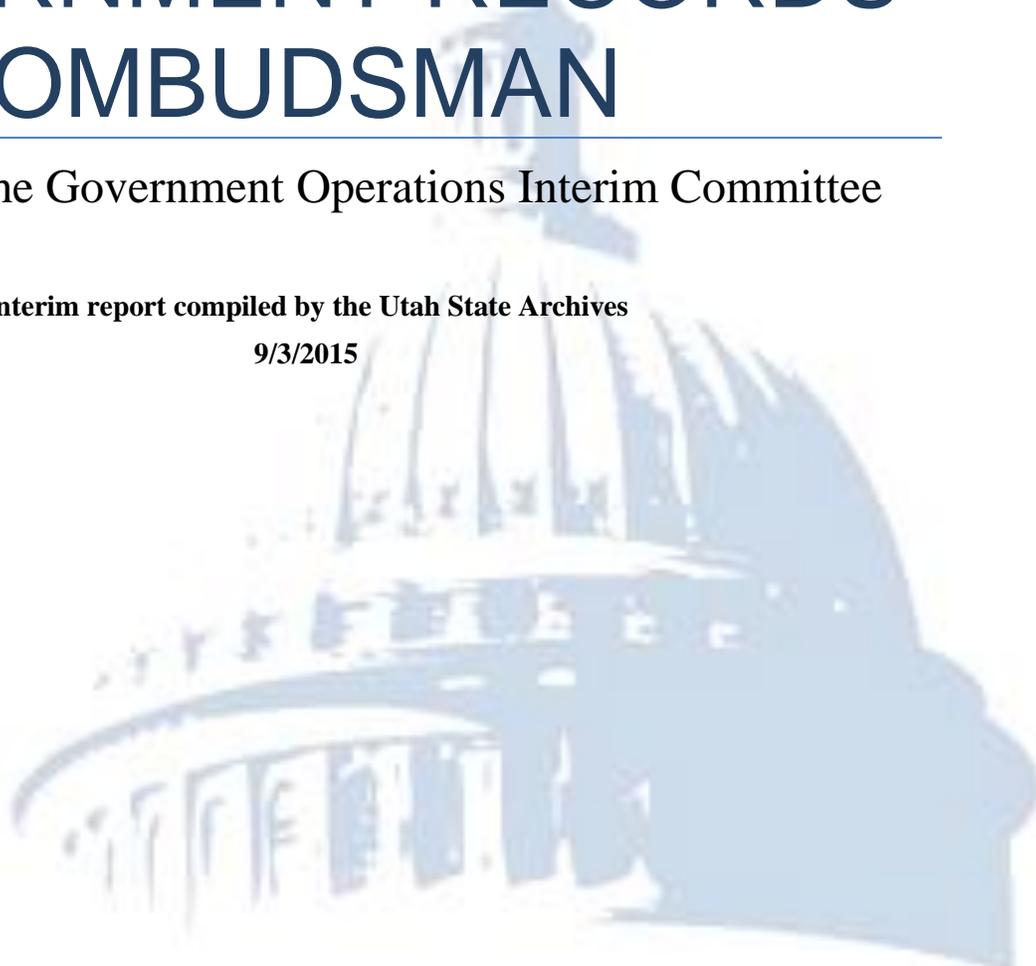


GOVERNMENT RECORDS OMBUDSMAN

Presented to the Government Operations Interim Committee

Interim report compiled by the Utah State Archives

9/3/2015



This report is required by Utah Code 63A-12-111, Public Records Management Act, Government Records Ombudsman.



Government Records Ombudsman

Department of Administrative Services

Utah State Archives

September 3, 2015

This report covers the work of the Government Records Ombudsman for fiscal year 2014-2015, including July 1, 2014, to June 30, 2015. The Government Records Ombudsman acts as a resource for records officers who are responding to GRAMA requests and for persons who are seeking or requesting records or appealing denial of requests for records or for fee waivers. The Government Records Ombudsman is also authorized to mediate disputes between requesters and responders. These responsibilities are defined in Utah Code 63A-12-111.

63A-12-111. Government records ombudsman.

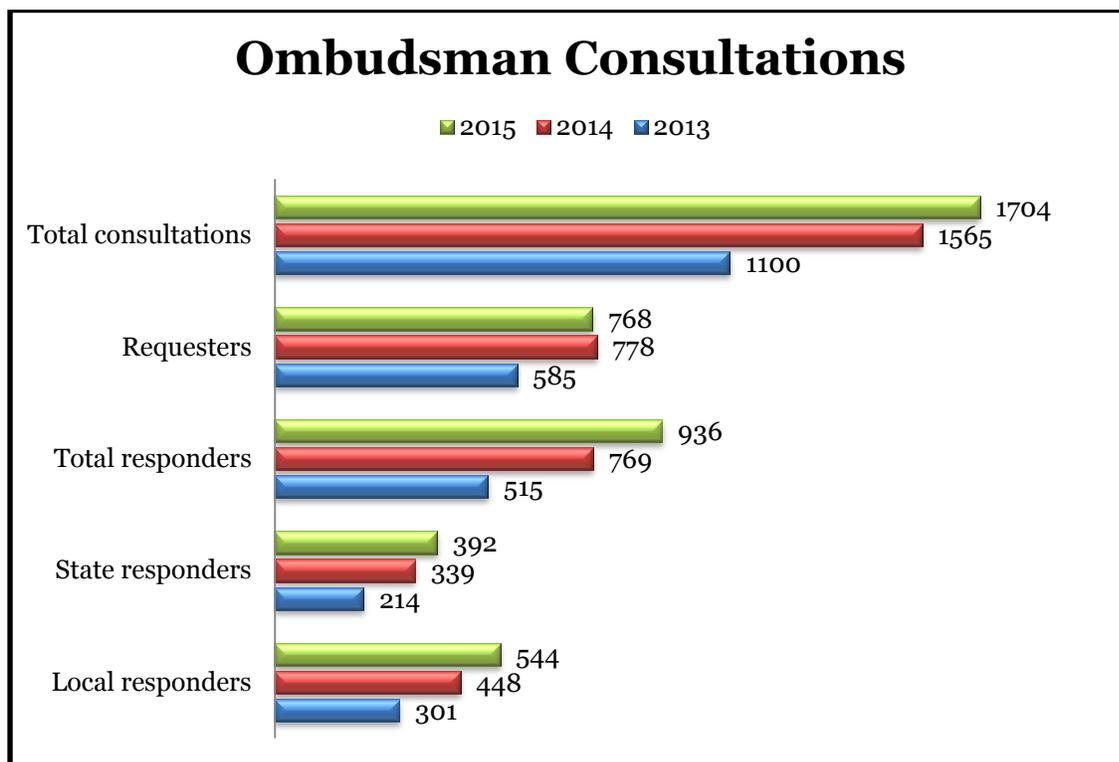
- (1) (a) The director of the division shall appoint a government records ombudsman.
- (b) The government records ombudsman may not be a member of the records committee.
- (2) The government records ombudsman shall:
 - (a) be familiar with the provisions of Title 63G, Chapter 2, Government Records Access 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 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.

Activities and services

During fiscal year 2014-2015 the Government Records Ombudsman provided **1,704** consultations, including mail, email, telephone, or in-person assistance. Of these **768** involved requesters (the public, the media, and other entities) and **936** involved records responders (Utah governmental entities). These numbers represent an increase over last year in the number of consultations with responders. The number of consultations with requesters is about the same, but less than last year.

Continued activity suggests that the office of the Ombudsman is a valuable resource for persons who need help understanding the Government Records Access and Management Act (GRAMA) and how to apply it when either requesting records or responding to records requests.

The following graph shows trends in Ombudsman contacts over three years:



The Government Records Ombudsman provided training at the State Archives, by invitation for local and state agencies, and at annual conferences. In all, Ombudsman

presentations reached about 492 people during the period covered by this report. This can be compared with 278 people during fiscal year 2013-2014. The Ombudsman appeared on a local television show, *The County Seat*, and provided training on GRAMA or gave presentations about records and government transparency in the following venues:

- Utah League of Cities and Towns
- Utah Association of Special Districts
- Utah Association of School Business Administrators
- SAINTCON sponsored by Utah Education Network
- Utah Citizens for Diplomacy
- Society of Professional Journalists
- ARMA International Utah – Salt Lake Chapter

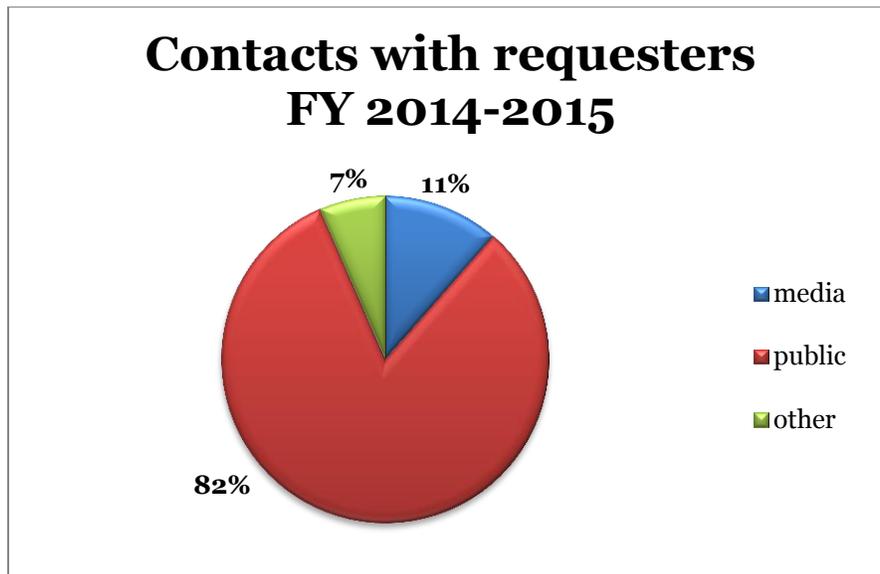
The Ombudsman has been involved in an advisory capacity in the development of the Open Records Portal, which is a central location from which the public will be able to make GRAMA requests to all governmental entities. On January 1, 2015, the portal opened for GRAMA requests to state government. It will open for municipalities, counties, schools, and special transit districts on January 1, 2016, and for special districts in January 2017.

The Ombudsman published [Legislative Changes to GRAMA in 2015](#), which outlines changes made to the appeals process for local governments.

During fiscal year 2014- 2015 fiscal year, the Ombudsman provided mediation assistance in 27 cases of dispute or misunderstanding over records. Of these 20 were successfully resolved and seven moved on through the appeals process to the State Records Committee. Overall, Ombudsman involvement decreases the number of hearings before the Committee. However, in some cases, the Ombudsman works with requesters who would not otherwise understand how to appeal.

Contacts with requesters

During fiscal year 2014-15, the Government Records Ombudsman provided **768** consultations with records requesters. Of these, **630** were members of the public (82 percent), **88** were representatives of the media (11 percent), and **50** represented corporations, non-profits, out-of-state governments, or other entities (7 percent). These percentages are about the same as reported in fiscal year 2013-2014.



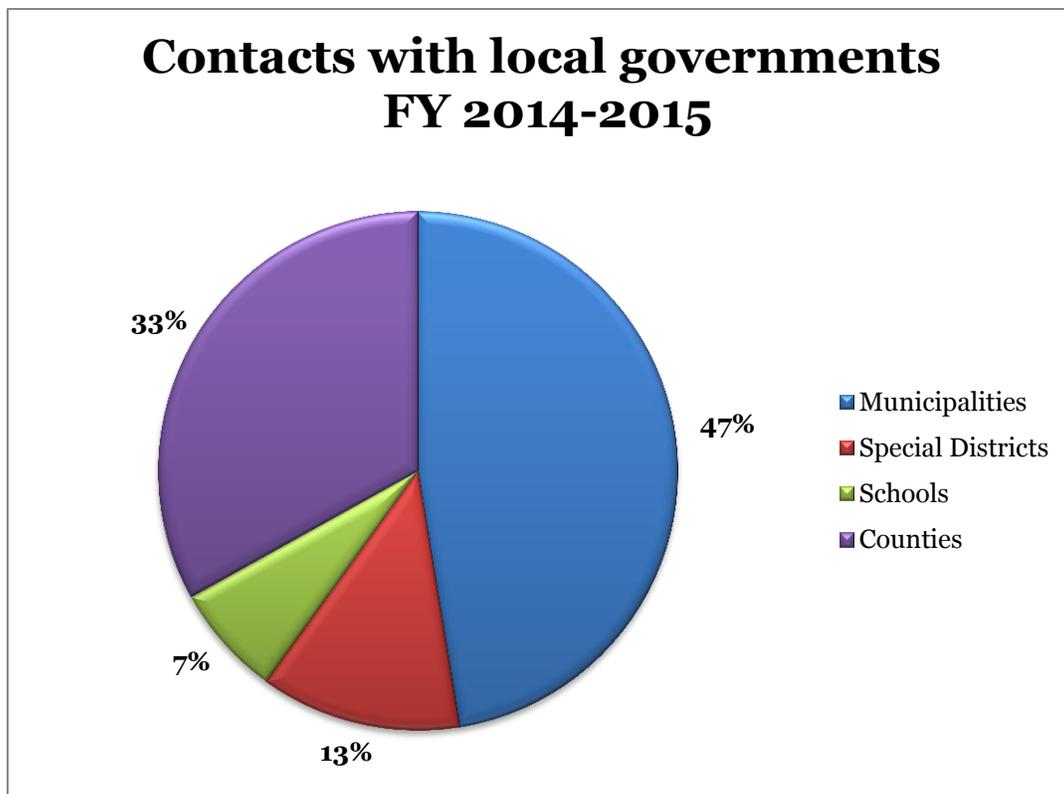
Requesters typically contact the Ombudsman when they do not understand how to make a records request or how to appeal a denial. Some do not know which governmental entity maintains the records they seek. Requesters may call with complaints about responses from governmental entities, government's failure to respond, or about dissatisfaction with other government actions which prompt them to request records. Some consultations are part of the mediation process.

Contacts with responders

The Government Records Ombudsman provided **936** consultations with government employees. Of these **392** represented state government (41percent) and **544** represented local governmental entities (59 percent).

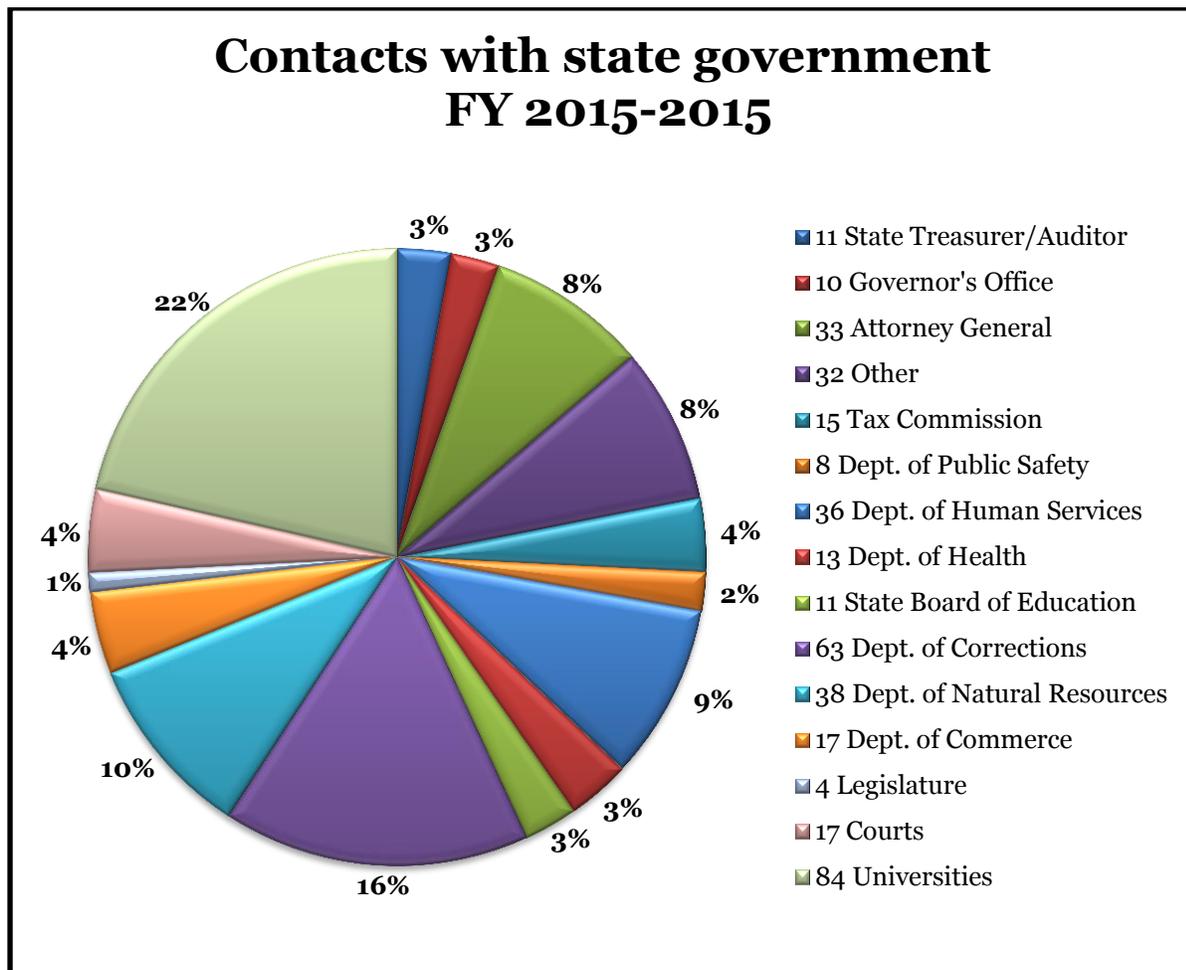
Local government responders

Within local government **258** consultations were with municipalities (47 percent), **180** were with counties (33 percent), **68** were with special districts (13 percent), and **38** were with school districts (7 percent). As a percentage this represents an increase in consultations with counties and a reduction in consultations with municipalities.



State agency responders

Ombudsman consultations with state agencies included 26 different agencies. Of these the most frequent consultations were with Universities (22 percent), the Department of Corrections (16 percent), the Department of Natural Resources (10 percent), and the Department of Human Services (9 percent), and the Attorney General's Office (8 percent).



Responders typically contact the Ombudsman to ask advice about how to respond to a request or how to classify records. They may also call to discuss a vexatious requester, or call to discuss training. The Ombudsman may call a responder to follow up on a conversation with a requester or as part of a mediation process.

Mediation

In 27 instances, the Government Records Ombudsman facilitated mediation between parties, usually involving in-person meetings of both parties. In 17 cases (74 percent), the issue was resolved through mediation. Seven cases (26 percent) moved to a hearing before the State Records Committee after mediation.

	Entities	Topic	Outcome
1	Public/state government	DCFS case files	Resolved in mediation
2	Media/university	Contracts	Resolved in mediation
3	Corporation/ special district	Investigation case file	Resolved in mediation
4	Public/municipality	Dispatch tapes	Resolved in mediation
5	Non-profit/state government	Fees	Resolved in mediation
6	Media/municipality	Attorney client privilege	Resolved in mediation
7	Special district/state government	Correspondence, audit	Moved to SRC
8	Media/municipality	Settlement agreement	Resolved in mediation
9	Public/county	Law enforcement records	Moved to SRC
10	Public/university	Trademarks and marketing	Moved to SRC
11	Public/state government	Toxicology reports, fees	Resolved in mediation
12	Public/municipality	Parking enforcement records	Resolved in mediation
13	Public/municipality	Minutes, business licenses	Moved to SRC
14	Public/municipality	Property records	Resolved in mediation
15	Public/university	Personal vs. university research	Resolved in mediation
16	Public/school district	Personnel records	Resolved in mediation
17	Public/special district	Attorney client privilege	Resolved in mediation
18	Public/county	Tax appraisal, appraiser certification	Moved to SRC
19	Public/county	Personnel records	Resolved in mediation
20	Public/state	Incident investigation case file	Resolved in mediation
21	Media/state government	Criminal investigation	Moved to SRC
22	Public/state government	Psychiatric evaluation	Resolved in mediation
23	Public/municipal	Email	Resolved in mediation
24	Public/state government	Personnel records	Moved to SRC
25	Public/state government	Medical records/email	Resolved in mediation
26	Media/county	Law enforcement taskforce	Resolved in mediation
27	Public/state government	Probation and parole records	Resolved in mediation

Total resolved in mediation	20
Total moved to SRC	7
Total pending	0