

A Clearly Unwarranted Invasion of Personal Privacy

Part of the Utah State Legislature's intent in the Government Records Access and Management Act (GRAMA) is recognition of the privacy of personal data that governmental entities gather about individuals. In order to separate private and public information the law includes a specific list of private records. This list is followed by another list of records that are private if properly classified ([Utah Code Section 63G-2-302\(1\)\(2\)](#)). The records or information on the first list is always private by legal mandate, but items on the second list are subject to interpretation.

Examples of records identified as private include:

- (j) Social Security numbers, email addresses, and birthdates on voter registration records; and
- (g) home addresses and home phone numbers of government employees.

Examples of records that are private if properly classified (subject to interpretation) are:

- (a) employee performance evaluations and personal status information;
- (g) certain audio and video recordings taken by body-worn cameras inside a residence, and;
- (d) other records containing data on individuals the disclosure of which would be a clearly unwarranted invasion of personal privacy.

Because the Legislature cannot foresee all records that should be classified as private, the specification of any records the disclosure of which would constitute a "clearly unwarranted invasion of personal privacy" captures any record or information that a records officer believes should be private, but which is not specifically identified in the law.

When requesters appeal governmental entities' private classification decisions, the State Records Committee decides whether the private classification was appropriate. The following table shows State Records Committee decisions about private classifications that were based on a clearly unwarranted invasion of personal privacy (Utah Code Section 63G-2-302(2)(d)). It may provide guidance about the meaning of privacy.

**State Records Committee decisions and orders about records classified as private based on U.C. 63G-2-302(2)(d):
clearly unwarranted invasion of personal privacy**

Case #	Records	Were private records released?	Comment
Death Issues			
12-09	Photographs of scene of a murder	No	
11-03	Death images involving a police shooting	No	
07-01	Records about a double suicide (suicide notes)	Yes	Order does not identify the records requested
Personal Identity Issues			
17-28	Body camera video showing juveniles' unlawful activities		Video to be released after redacting to obscure the identity of the juveniles
17-15	Police officer's body camera video showing DUI stop with passengers' faces redacted to protect their identity	No	Committee supported redaction of passengers' faces; this was not the main issue in the hearing
16-05	Records about student sexual misconduct or violence that resulted in university discipline or sanction	No	Records without identifying information were already provided
13-05	Inmate request for security clearance of another inmate; issue was the other's religious practices	No	
12-18	Name of a juvenile who was involved in a traffic accident	Yes	Request was from the media (see Utah Code Section 41-6a-401(39)(d))
10-18	Personal email addresses of school district community chairs	No	Subsequent legislation requires provision of contact information. (Utah Code Section 63G-2-301(2)(n))
02-06	Home addresses of licensed dog owners	No	Subsequent legislation protects contact information. (Utah Code Section 63G-2-305(51))
00-04	Driver License Division's data about traffic citations including names, license numbers, and personal data	Yes	Order states limitation to the specific purposes and circumstances of this case
99-08	Names and address of persons who filed claims against city	Yes	
93-06	Name, birthdate, and address of all driver license holders	Yes	Order based on the public interest in this specific circumstance.
93-01	Names and addresses of hunting license holders	Yes	Order states that it does not mean that all government lists of names and addresses are public

Investigation Records			
<u>12-22</u>	Records about complaint against a law enforcement officer and of internal investigation in which charges were not sustained	No	Third District Court overturned this Records Committee decision
<u>12-03</u>	Law enforcement investigative report		Report released with specified private information redacted
<u>16-41</u>	Police report about a specifically named individual	Yes	Individual's identity was already known
<u>16-18</u>	Records related to internal investigation, including audio recordings of interviews with employees and correspondence with the subject		Classification upheld; private correspondence provided to the subject
<u>15-32</u>	Statements made during a background investigation		Records released but not the identity of the authors
<u>15-16</u>	Draft and final report of an investigation of workplace harassment.	No	In addition to upholding private classification, records are also protected
<u>15-15</u>	Police Officers Standards and Training (POST) files related to investigations of officer criminal misconduct	No	
<u>15-14</u>	All records related to police raid of subject's home	No	Some records are subject to other classifications; request was not reasonably specific
<u>11-04</u>	Tax Commission's investigation files	Partial	Information to be withheld includes individual's photo, SS#, driver license #, address (but not Zip code), telephone #, and medical or disability information
<u>08-08</u>	Investigation of sexual harassment allegations		Private for allegations not sustained, but not for sustained allegations
<u>06-06</u>	Records regarding personnel matters and employee dismissal	No	Identity of supervisors accused of mistreatment considered private
<u>06-05</u>	Police department internal investigation files	Partial	Records about unsustained charges not released; identity of witnesses not released; records about sustained charges released with personal information redacted
Confidential Communication			
<u>16-30</u>	Inmate request for email about himself	No	Some records had been provided prior to hearing
<u>11-13</u>	Email, correspondence, and other records about Board of Pardons and Parole decision about petitioner	No	
<u>10-22</u>	Mark Hoffman's letter to Board of Pardons and Parole	Yes	Decision made after Committee's review of contents of the letter

10-11	All documents and email relating to a particular subject		Upon review, Committee identified specific email as private based on 63G-2-302(2)(d)
09-14	Attorney General Mark Shurtleff email and correspondence	Yes	
04-08	Department of Child and Family Services recommendations about an individual	No	
01-05	Identity of author of email to Human Services	Yes	Record properly classified, but public interest outweighs classification in this instance
Witness Statements			
14-20	Complaints about businesses filed with the Utah Division of Consumer Protection	No	Complaints released but not the names of complainants
12-21	Student statements about faculty misconduct	Yes	Statements released with identifying information redacted
08-13	Complaints about bike riders on UTA		Records released with identifying information redacted