

GRAMA Updates for 2013

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Each year as the State Legislature does its work it inevitably makes changes to the Government Records Access and Management Act. Changes in 2013 amounted to additional records being identified as public, private, and protected, and the creation of a State Legislature email website. The State Auditor's representative was removed from the State Records Committee and replaced by a second member of the public ([Utah Code 63G-2-501\(1\)](#)).

The most significant change to GRAMA was the creation of a public repository for legislative email. Beginning on January 1, 2014, the State Legislature will post on its website a publicly accessible repository containing email that legislators may transfer to it. The repository can include both sent and received email that legislators have decided to put into the repository. Email will be removed from the repository if it was accidentally transferred, if it is determined not to be a public record, when it can be deleted according to a retention policy, or two years after the email was sent or received. The public repository of legislative email will be searchable by sender, receiver, and subject ([Utah Code 63G-2-208](#)).

The addition of private, protected, and public records has resulted in some renumbering in the code. These legislative updates were effective May 14, 2013.

Additional Public Records

Added to the list of records that must be disclosed are initiative and referendum packets after they are submitted to a county clerk. A referendum packet is a copy of the referendum petition, a copy of the law being submitted or referred to the voters, and the associated signature sheets ([Utah Code 63G-2-301\(2\)\(p\)](#)).

Additional Private Records

The list of private records has been amended to include records created by schools to document that parents were notified about an incident or threat at school, such as bullying, harassment, or retaliation. In this instance, GRAMA is further amended to exclude these records from being shared for research purposes ([Utah Code 63G-2-302\(1\)\(t\)](#) and [63G-2-202\(8\)\(d\)](#)).

Electronic toll collection customer account information collected by a public transit district is now private. Such data includes personal identity, locations of use, and data about travel dates and times ([Utah Code 63G-2-302\(1\)\(p\)](#)).

Records of the [Independent Executive Branch Ethics Commission](#), which investigates formal complaints of high crimes, misdemeanors and malfeasance in office, have also been identified as private ([Utah Code 63G-2-302\(1\)\(s\)](#)).

Additional Protected Records

An amendment to the Procurement Provisions Act adjusted protection of records that would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity. Whereas contracts and grants were protected until they were awarded, they are now protected until they are signed by all parties. Protection of bids, proposals and applications is extended to “other information” that is provided in response to an invitation for bids or a request for proposals or quotes ([Utah Code 63G-2-305\(6\)](#)).

Additionally, protection is extended to all information submitted to or by a governmental entity in response to a request for information. Information provided in response to a request for information is protected until the contract directly relating to the subject of the request has been awarded and signed by all parties or a final determination has been made not to enter into a contract that relates to the subject of the information and at least two years have passed since the day the request for information was issued ([Utah Code 63G-2-305\(7\)](#)).

License plate data that law enforcement or parking enforcement agencies collect through an automatic license plate reader for purposes associated with enforcement, criminal investigation, or public safety is now listed as a protected record ([Utah Code 63G-2-305\(65\)](#)).

Public Safety Code specifically states that the name, address, phone number, birthdate, and Social Security number of a person who has a concealed firearm permit is protected under [Utah Code 63G-2-305\(10\)](#). New legislation prohibits concealed firearm permit information from being shared with other governmental entities except in certain specified circumstances. Whereas, under GRAMA, the intentional disclosure or improper use of restricted records is a class B misdemeanor, it is a class A misdemeanor in the case of concealed firearm permit information ([Utah Code 53-5-708](#) and [63G-2-801\(1\)\(a\)](#)).