

**CHAPTER XI
RECORDS ACCESS AND MANAGEMENT**

§ 11001 General Purpose.

The District adopts this chapter to establish guidelines for open governmental information recognizing the need to maintain and preserve accurate records, provide public access to public records and preserve the right of privacy of personal data collected or received by the District.

§ 11002 District Policy.

The District recognizes the enactment of the Government Records Access and Management Act, UCA § 63G-2-101 et seq. (GRAMA), and its application to District records. The purpose of this chapter is to conform to UCA § 63G-2-701, which provides that "each political subdivision may adopt an ordinance or a policy relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention and amendment of records." This chapter is intended to provide modifications to the general provisions of State law, where allowed, to best meet the public needs, operation, management capabilities and resources of the District.

§ 11003 Compliance with State Law.

The District recognizes the following sections of GRAMA apply to the District and adopts them by reference as part of the Code:

Part I General Provisions

§ 63G-2-101	Short title
§ 63G-2-102	Legislative intent
§ 63G-2-103	Definitions
§ 63G-2-104	Administrative Procedures Act not applicable
§ 63G-2-105	Confidentiality agreements
§ 63G-2-106	Records of Security Measures
§ 63G-2-107	Disclosure of Records Subject to Federal Law

Part 2 Access to Records

§ 63G-2-201	Right to inspect records and receive copies of records
§ 63G-2-202	Access to private, controlled and protected documents
§63G-2-204	Requests, Time limit for response and extraordinary

- circumstances
- § 63G-2-205 Denials
- § 63G-2-206 Sharing records
- § 63G-2-207 Subpoenas - Court ordered disclosure for discovery

Part 3 Classification

- § 63G-2-301 Records that must be disclosed
- § 63G-2-302 Private records
- § 63G-2-302.5 Private information concerning certain government employees
- § 63G-2-303 Controlled records
- § 63G-2-304 Protected records
- § 63G-2-305 Procedure to determine classification
- § 63G-2-306 Duty to evaluate records and make designations and classifications
- § 63G-2-307 Segregation of records
- § 63G-2-308 Confidentiality claims

Part 6 Accuracy of Records

- § 63G-2-601 Rights of individuals on whom data is maintained – Classification Statement – Notice to Provider of Information
- § 63G-2-602 Disclosure to subject of records - Context of use
- § 63G-2-603 Requests to amend a record – appeals

Part 7 Applicability to Political Subdivisions: The Judiciary and the Legislature

- § 63G-2-701 Political subdivisions may adopt ordinances in compliance with chapter

Part 8 Remedies

- § 63G-2-801 Criminal penalties
- § 63G-2-802 Injunction - Attorneys' Fees
- § 63G-2-803 No liability for certain decisions of a governmental entity or a political subdivision
- § 63G-2-804 Disciplinary action

Part 9 Archives and Records Service

- § 63G-2-903 Duties of governmental entities
- § 63G-2-905 Records declared property of the State-Disposition
- § 63G-2-907 Right to replevin
- § 63G-2-909 Records made public after 75 years

The District recognizes UCA § 63G-30-10.6 (attorneys' fees for records request) and its applicability to political subdivisions.

§ 11004 Procedures for Records Request.

(a) Requests for District records shall be made to the District's Records Officer at the District headquarters' office located at 355 West University Parkway, Orem, Utah 84058. The requester shall fill out and present to the District a written request on forms provided by the District. The date of the request shall be noted on the written request form and all time frames provided under this chapter shall commence from that date. Requesters of non-public information shall adequately identify themselves and their status prior to receiving access to non-public records.

(b) The District may respond to a request for a record by approving the request and providing the record, denying the request, or by making such other appropriate response in accordance with §63G-2-204 of GRAMA and this chapter.

(c) In most circumstances and except for extraordinary circumstances as set out in § 63G-2-204 (4) of GRAMA, the District shall respond to a written request for a public record within ten business days after that request.

§ 11005 Fees.

(a) Applicable fees for the processing a records request under this chapter shall generally be set at actual cost or as otherwise established by policies adopted under this chapter. The District shall charge the following fees for requests relating to GRAMA:

<p>(j) Reviewing a record to determine whether it is subject to disclosure</p>	<p>No Charge – Unless records requested are voluminous and time-consuming to pull and review, then staff time will be charged at the rate described in #4 of this section.</p>
<p>(ii) Inspection (viewing) of record at the District's office by requesting person</p>	<p>No Charge -- unless records requested for inspection are voluminous and time-consuming to pull for viewing, then staff time will be charged at the rate described in #4 of this section.</p>
<p>(iii) Copying Fees</p> <p>Paper copies (up to 11"x17")</p> <p>Audio Tapes</p> <p>Disks (CDs or DVDs)</p> <p>Other forms</p>	<p>25¢ per page</p> <p>\$20 per tape</p> <p>\$5 per disk</p> <p>Actual Cost</p>
<p>(iv) Staff Time for searching, copying, compiling, or redacting a record; or, other services for staff time rendered.</p>	<p>There is no fee for the first 15 minutes of staff time. After the first 15 minutes, time will be charged at the hourly rate of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request. This is in addition to any copying fees that may apply above.</p>
<p>(v) Postage</p>	<p>Actual Cost</p>
<p>(vi) Miscellaneous Fees</p>	<p>Actual Cost</p>

(vii) Fees Waived	Fees may be waived by the Records Officer if it is determined that the terms of §63G-2-203 (4) have been met; or, the fees are considered minimal.
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(b) Fees shall be paid before the record is provided to the requester. The District will require all past fees to have been paid before filling any future requests for records per requester.

§ 11006 Appeal Process.

(a) Any person aggrieved by the District's decision concerning records classifications, designation, or access to records may appeal the determination to the District's Appeals Hearing Board ("Hearing Board").

(b) The Hearing Board consists of the Executive Committee of the District's Board of Trustees and one citizen member, appointed by the Board of Trustees.

(c) The request for appeal shall be mailed to the District's Chief Administrative Officer in c/o the District's Records Manager at 355 West University Parkway, Orem, Utah 84058. The appeal shall contain the petitioner's name, mailing address, daytime telephone number, and shall state the basis of the appeal and the relief sought. The request for appeal must be received within ten (10) business days after receiving an adverse decision.

(d) Upon receiving a request for an appeal, the District's Records Manager shall immediately forward the appeal to the Hearing Board and to any relevant District employees.

(e) An appeal hearing shall be scheduled no later than thirty (30) calendar days after receipt of the appeal. The Records Manager shall send a copy of the hearing notice to the petitioner, Hearing Board members, and to relevant District employees. Notice shall also be posted consistent with the Open Meetings Act.

(f) If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the Records Manager shall send a notice of the requester's appeal to the affected person(s) within 3 business days after receiving the appeal.

§ 11007 Appeal Hearing

- (a) At the hearing, each party will be allowed to testify, present evidence, and comment on the issues.
- (b) The Hearing Board may review disputed records, but may not reveal any private, protected, or controlled information during the course of the hearing. If the Hearing Board finds it necessary to discuss private, protected, or controlled information during the course of a hearing, it may enter into closed session to avoid disclosure of that information.
- (c) The Hearing Board may close the meeting to discuss its decision and order at the end of the hearing.
- (d) Within ten (10) business days after the hearing, the Hearing Board shall issue a signed order either granting the petition, in whole or in part, or upholding the original determination, in whole or in part. The Hearing Board's order shall include a statement of reasons for the decision, including legal authority supporting the decision.
- (e) If the hearing board affirms the denial, in whole or in part, their written decision shall include a statement that any party to the proceeding has a right to appeal the denial to district court as provided in 63G-2-404 of GRAMA. However, if the petitioner concurs, the District may also provide for an additional level of administrative review to the state records committee, as provided in 63G-2-403, prior to an appeal to district court.

§ 11008 Reasonable Accommodation.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with the Americans with Disability Act upon request of the applicant.

§ 11009 Records Officer.

The District's Records Manager shall be appointed as the Records Officer to oversee and coordinate records access, management and archives activities.

§ 11010 Records Maintenance.

(a) Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve District records safely and accurately over the long term. The District Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of District records. They shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records.

(b) All District records shall remain the property of the District unless federal or state legal authority provides otherwise. Property rights to District records may not be permanently transferred from the District to any private individual or entity, including those legally disposable obsolete District records. This prohibition does not include the providing of copies of District records otherwise produced for release or distribution under this chapter.

(c) Custodians of any District records shall at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors or supervisors, or to the District Records Officer.

§ 11011 Records Retention and Disposition.

(a) Retention periods shall be established for all District Records. Retention periods shall serve both the public and District interests by assuring that records are accessible and administrative, legal, fiscal, and historical requirements have been met. Retention periods must reflect any federal, state, or local laws, ordinances, regulations or other requirements that govern the management of the records.

(b) The Retention Schedule is a "live" document; and, as such, will change as records are added, removed, or retention periods are requested to change. Any change, addition, or removal of records and/or their retention periods shall be submitted by the District's Records Officer to the Management Team for their review and approval.

(c) The Retention Schedule shall be reviewed periodically by the District's Records Officer. Additionally, the Management Team is authorized to review and recommend revisions to the Retention Schedule.

(d) In compliance with UCA 63G-2-701, the District's Records Officer will submit reports to the State of Utah regarding changes to the Retention Schedule after action has been taken by the Management Team.