

Records Retention Policy

Cache Valley Transit District

6/25/2014

1. PURPOSE

This policy provides guidelines to manage, classify, access, preserve, and dispose of records of the Cache Valley Transit District (the "District") in compliance with applicable Utah state laws and regulations, including but not limited to the Government Records Access and Management Act (GRAMA) (Utah cod Ann., Section 63-G-2-101, et seq. (the "Act") and to provide public access to District records in accordance with state laws and regulations while protecting individual rights of privacy.

2. RECORDS OFFICER(S)

The General Manager shall appoint a Records officer(s) to oversee and coordinate records access, management and archive activities. The Records Officer(s) shall make reports of records service activities to the Board of Trustees as appropriate or as requested. The Records officer(s) shall be trained and certified according to Utah state laws and administrative rules and work with the Utah State Archives in the properly maintaining, classifying, scheduling, and reporting of each record or record series produced, received, or maintained by the District. The Records officer(s) will review and respond to any request for access to records ("GRAMA request").

3. DESIGNATION, CLASSIFICATION, AND RETENTION

All District records, of any format, shall be designated, classified and scheduled for retention according to the Act and this Policy. This includes any records generated in the future.

4. GRAMA REQUEST

A person may request to inspect or receive copies (in formats) of the District's records by filing a written GRAMA request. The GRAMA request must contain the necessary information on the requestor and a specific description of the records being requested. All GRAMA requests shall be processed by use of the District's GRAMA forms.

5. RECORDS CLASSIFICATION

A record shall be classified under one of the following categories:

- a. "Public" records as described in Utah Code Ann., Sections 63G-2-301;

- b. "Private" records as described in Utah Code Ann., Sections 63G-2-303;
- c. "Controlled" records as described in Utah Code Ann., Sections 63G-2-304;
- d. "Protected" records as described in Utah Code Ann., Sections 63G-2-305;
- e. A record to which access is restricted as described in Utah Code Ann., Sections 63G-2-201(3)(b)

6. PUBLIC RECORDS

All District records are considered public unless they are:

- a. Expressly designated, classified or defined otherwise by the District in accordance with policies and procedures established by this policy
- b. Are so designated, classified, or defined by the Act, or
- c. Are made non-public by other applicable law

7. PRIVATE RECORDS

In addition to the records described in Utah Cod Ann., Section 63G-2-302(1), the following records shall be made available to the following persons:

- a. The subject of the records;
- b. The parent or legal guardian of a minor who is the subject of the record;
- c. The legal guardian of an incapacitated individual who is the subject of the record;
- d. Any person who has a power of attorney or an original notarized release, dated no more than 90 days prior to the date of the request is made from the subject of the record; or
- e. Any person serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

8. CONTROLLED RECORDS

The following records are classified as controlled:

- a. Records containing medical, psychiatric, or psychological data about an individual, and
- b. Records the District believes the release of which to the subject would be detrimental to the subject's mental health or to the safety of any individual, or the release of which would constitute a violation of professional practice or medical ethics.

9. PROTECTED RECORDS

Protected records may be made available to the person who submitted the information in the records, to a person who has power of attorney or notarized original release from any persons or governmental entities who interests are protected by the classification of the records, or to any persons presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

10. RECORDS ACCESS

All GRAMA requests shall be submitted to the Records officer(s). Requesters of non-public information shall adequately identify themselves prior to receiving access to non-public records by providing written identification and any other requirements as defined in the Act. Any inspection of "public" records shall be during normal business hours in accordance with Utah Code Ann., Sections 63G-2-201. Approved GRAMA requests shall be provided in a timely manner in accordance with Utah Code Ann., Section 63G-2-204

11. FEES

Applicable fees for the processing of information requests under this Policy shall generally be as established by policies adopted under this Policy. If the costs associated with the request are anticipated to exceed \$50.00, pre-payment for the requested documents will be required. If the pre-payments amount exceeds the actual cost of producing the records, a refund of the amount difference will be generated. Additionally, if a requestor has not properly paid for previously received materials, the District will hold the current request until the outstanding payment in full for the prior request is received, pursuant to Utah Code An. 63G-2-203(8) The District may waive the charging of a fee when the requesting person is another governmental entity or quasi-governmental entity or in other situations as outlined in Utah Code Ann 63G-2-203(4)

The District will charge the following fees for requests relating to the government Records Access and Management Act:

- a. Reviewing a record to determine whether it is subject to disclosure:
 - No charge unless the quantity of subject records is extraordinary.
- b. Inspection of record:
 - No charge to requesting person unless records must be produced from a proprietary secure electronic database.
- c. Copy fees and miscellaneous fees:
 - A copy fee of twenty five (25) cents per page for each single sided copy
 - A copy fee of thirty five (35) cents per page for each double sided copy
 - A fax fee of \$1.00 per page for the faxing of documents
 - Staff hourly rate will apply if research or preparation of information is required exceeding 15 minutes of time. The hourly rate will depend upon the lowest hourly rate of the employee with proper skill and training required to perform the task according to Utah Code Ann. 63G-2-203

12. APPEALS

If the requestor is dissatisfied with the Record Officer(s) decision, the requester may submit a written appeal to the General Manager within thirty (30) days by filing a written notice of

appeal. The notice of appeal shall contain the petitioner's name, address, phone number, relief sought and if petitioner desires, a short statement of the facts, reasons, and legal authority for the appeal.

The General Manager shall make a determination on the appeal within thirty (30) days after receipt of the appeal. During this thirty (30) day period, the General Manager may schedule an informal hearing or request any additional information deemed necessary to make a determination. The General Manager shall send written notice of determination to all participants providing the reasons for the General Manager's determination. In the event that the General Manager does not respond within the 30 day period, the appeal will be deemed denied. In addition, if the General Manager affirms the denial in whole or in part, the denial shall include a statement that the requestor has a right to appeal the denial to the Board of Trustees of the District.

The requestor may file a written notice of appeal to the President of the Board of Trustees no later than thirty (30) days after the General Manager has granted or denied the records request in whole or in part. The decision of the Board of Trustees shall be administratively final. The Board of Trustees shall prepare a written decision outlining its final determination and the reasons for the final determination.

If a requestor is dissatisfied with the decision of the Board of Trustees, the requestor may file an appeal to the State Records Committee in accordance with Utah Cod Ann., Sec 63-2-403, or petition for judicial review in the district court as provide by Utah Code Ann, Section 63G-2-404

13. PENALTIES

District employees who knowingly refuse to permit access to records in accordance with the Act or this Policy, who knowingly permit access to non-public records or who knowingly, without authorization or legal authority, dispose of; alter, or remove records or allow other persons to do so in violation of the provisions of the act, this policy, or other law or regulations, may be subject to criminal prosecution and disciplinary action, up to and including termination.

In accordance with the Act, neither the District nor any of its officers, employees, or agents shall be liable for damages resulting from the release of a record where the requestor presented evidence of authority to obtain the record, even if it may be subsequently determined that the requestor had no such authority.

14. COPYRIGHTED OR PATENTED MATERIALS

Any record which is copyrighted either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark, or other protected designation, shall not be copied or provided to any person without a valid order of a court ordering such disclosure or written permission from the author of the record

