

Records Management and Retention Policy

Revised: August 2016

Adopted by Board of Trustees on September 28, 2016



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1.0 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 (hereafter referred to as GRAMA or the Act) (Utah Code Ann., Section 63G-2, et seq.), and to provide public access to District records in accordance with state laws and regulations while protecting individual rights of privacy.

1.1 Records Officer(s)

The chief administrative officer 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 proper maintenance, classification, scheduling, and reporting of each record or record series prepared, owned, or retained by the District. The Records Officer(s) will review and respond to any request for access to records (GRAMA request).

1.2 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.

1.3 Records Classification

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

- 1.3.1 "Public" records as described in Utah Code Ann., Sections 63G-2-301;
- 1.3.2 "Private" records as described in Utah Code Ann., Sections 63G-2-302 and 63G-2-303;
- 1.3.3 "Controlled" records as described in Utah Code Ann., Sections 63G-2-304;
- 1.3.4 "Protected" records as described in Utah Code Ann., Sections 63G-2-305; and
- 1.3.5 a record to which access is restricted as described in Utah Code Ann., Sections 63G-2-201(3)(b).

1.4 GRAMA Request

A person may request to inspect or receive copies of the District's records by filing a written GRAMA request. The GRAMA request must contain the required information on the requester and a specific description of the records being requested (Utah Code Ann. Section 63G-2-204(1)). All GRAMA requests shall be processed by use of the District's GRAMA forms.

1.5 Records Access

All GRAMA requests shall be submitted to the Records Officer(s). The Records Officer(s) shall evaluate each GRAMA request and process the request in accordance with Utah Code Ann., Sections 63G-2-204. 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 and in accordance with Utah Code Ann., Section 63G-2-201. Requests for access to private, controlled, and protected documents shall be processed in accordance with Utah Code Ann., Section 63G-2-202 and other applicable sections of the Act.

1.6 Fees

Applicable fees for the processing of record 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, prepayment for the requested documents will be required. If the prepayment amount exceeds the actual cost of providing the records, a refund of the difference between the prepayment amount and the actual amount will be provided. Additionally, if a requester has not paid fees from previous requests, the District will hold the current request until the outstanding balance due for the prior request(s) is paid in full, pursuant to Utah Code Ann., 63G-2-203(8). The District may fulfill a record request without charge if 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).

As allowed in the Act, the District will charge the following fees for record requests (Utah Code Ann., 63G-2-203):

- 1.6.1 There is no charge for:
 - a) reviewing a record to determine whether it is subject to disclosure, except as permitted by Utah Code Ann., Section 63G-2-203(2); or
 - b) inspecting a record.
- 1.6.2 Copy fees and miscellaneous fees:

- a) A copy fee of twenty-five cents (\$0.25) per page (size can't exceed 11x17) for each single-sided copy
- b) A copy fee of thirty-five cents (\$0.35) per page (size can't exceed 11x17) for each double-sided copy
- c) A fax fee of one dollar (\$1.00) per page for the faxing of documents
- d) Cost of supplies (such as a USB drive or oversized copy)
- e) Cost of third party services
- f) Standard U.S. Postage Rates for shipping and mailing
- g) 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.

1.7 Appeals

If the requester is dissatisfied with the Record Officer(s) decision, the requester may submit a written appeal to the chief administrative officer within thirty (30) days by filing a written notice of appeal. The notice of appeal shall contain the petitioner's name; address; daytime telephone number; relief sought; and if the petitioner desires, a short statement of the facts, reasons, and legal authority for the appeal.

The chief administrative officer shall make a determination on the appeal within five (5) business days after receipt of the appeal, or twelve (12) business days after the District sends the notice of appeal to a person who submitted a claim of business confidentiality. During this five (5) or twelve (12) day period, the chief administrative officer may schedule an informal hearing or request any additional information deemed necessary to make a determination. The chief administrative officer shall send written notice of determination to all participants. In the event that the chief administrative officer does not respond within the five (5) or twelve (12) day period, the appeal will be deemed denied. In addition, if the chief administrative officer affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the records committee or district court. The denial shall also include the time limits for filing an appeal, as well as the name and business address of the executive secretary of the records committee.

If the appellant is dissatisfied with the decision of the chief administrative officer, the appellant may file an appeal to the State Records Committee in

accordance with Utah Code Ann., Section 63G-2-403, or petition for judicial review in the district court as provided by Utah Code Ann., Section 63G-2-404.

1.8 Penalties

District employees who intentionally refuse to permit access to records in accordance with the Act or this Policy; who intentionally permit access to non-public records; or who intentionally, without authorization or legal authority, mutilate, destroy, or otherwise damage or dispose of, or allow other persons to do so, in violation of the provisions of this Policy, the Act, or other laws or regulations, may be subject to criminal prosecution and disciplinary action, up to and including termination of employment.

In accordance with the Act, neither the District, nor any officer or employee of the District, is liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

Appendix A

CACHE VALLEY TRANSIT DISTRICT

RESOLUTION NO. 16-02

RESOLUTION APPROVING THE CACHE VALLEY TRANSIT DISTRICT RECORDS MANAGEMENT AND RETENTION POLICY

WHEREAS, the State of Utah requires the Cache Valley Transit District (the “District”) Board of Trustees to review and approve the District’s “Records Management and Retention Policy”; and

WHEREAS, the District has provided the Board of Trustees with the District’s “Records Management and Retention Policy”; and

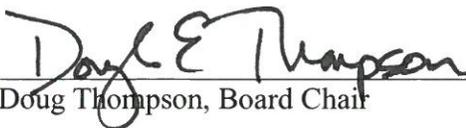
WHEREAS, the District Board of Trustees has reviewed the District’s “Records Management and Retention Policy”;

NOW, THEREFORE, BE IT RESOLVED BY THE CACHE VALLEY TRANSIT DISTRICT by and through its Board of Trustees

1. That the Board of Trustees approves the “Records Management and Retention Policy.”
2. That the Board of Trustees authorizes the District’s chief administrative officer to include this resolution in the “Records Management and Retention Policy.”
3. That the Board of Trustees authorizes the District’s chief administrative officer to submit the “Records Management and Retention Policy” to the Utah State Archives.

CERTIFICATION

The undersigned duly qualified Board Chair, acting on behalf of the Cache Valley Transit District, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board of Trustees of the Cache Valley Transit District held on August 24, 2016.



Doug Thompson, Board Chair

ATTEST:



Roger Jones, Vice Chair