

Practical Tips to Classifying Records and Responding to GRAMA Requests

One Agency's Process

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Classification

Know Your Records

- Who are the records custodians?
- Are the records electronic or paper versions?
- What is the retention for the record?
- What records are on your Website?
- How did you get the record?
 - Government Record Sharing
 - As part of an investigation

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Classification Help

Use the Classification Worksheet found at:

<http://archives.utah.gov/recordsmanagement/forms/GRAMA-classification-worksheet.pdf>

RECORDS NOT SUBJECT TO GRAMA

NON RECORDS

- Library books
- Copyrighted materials
- Patented documentation not owned by the agency
- Personal notes
- Temporary drafts
- Junk mail

EXEMPT RECORDS

- Security measures
- Security plans
- Security procedures
- Security code, combinations and passwords

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Private Records

- | | | |
|---|---|--|
| <input type="checkbox"/> Address | <input type="checkbox"/> Food Purchase | <input type="checkbox"/> Occupational Preference |
| <input type="checkbox"/> Age/Birth date | <input type="checkbox"/> Home/Property Owner | <input type="checkbox"/> Physical Description |
| <input type="checkbox"/> Alcohol/Drug Addiction | <input type="checkbox"/> Intelligence Quotient/IQ | <input type="checkbox"/> Psychiatric Information |
| <input type="checkbox"/> Birthplace | <input type="checkbox"/> Job Position Information | <input type="checkbox"/> Psychological Info |
| <input type="checkbox"/> Checking/Savings Acct | <input type="checkbox"/> Living Conditions | <input type="checkbox"/> Public Housing Occupant |
| <input type="checkbox"/> Court Actions | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Race/Ethnic Group |
| <input type="checkbox"/> Credit Rating | <input type="checkbox"/> Medical/Dental Info | <input type="checkbox"/> References |
| <input type="checkbox"/> Criminal History | <input type="checkbox"/> Membership Affiliations | <input type="checkbox"/> Religious Preference |
| <input type="checkbox"/> Driver License Number | <input type="checkbox"/> Military Service | <input type="checkbox"/> Salary Information |
| <input type="checkbox"/> Educational History | <input type="checkbox"/> Mortgage Information | <input type="checkbox"/> Security Investigation |
| <input type="checkbox"/> Employment History | <input type="checkbox"/> Motor Vehicle Ownership | <input type="checkbox"/> Sex/Gender |
| <input type="checkbox"/> Expenditures | <input type="checkbox"/> Name/Signature | <input type="checkbox"/> Social Security Number |
| <input type="checkbox"/> Family Information | <input type="checkbox"/> National Origin | <input type="checkbox"/> Tax Information |
| <input type="checkbox"/> Fingerprints | <input type="checkbox"/> Occupational Licenses | <input type="checkbox"/> Telephone Number |

Controlled Records

Medical Data

Psychiatric Data

Psychological Data

AND if the governmental entity reasonably believes that releasing the information to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual or releasing the information would constitute a violation of normal professional practice and medical ethics.

Protected Records

Attorney Work Product

Trade Secrets

Test Questions/Answers

Drafts, unless classified as public

Records if disclosed would jeopardize the life or safety of an individual.

Records if disclosed would jeopardize the security of governmental property, programs or record-keeping systems.

Name of a donor or prospective donor to a governmental entity

Recommendations made to the Board of Pardons and Parole

Records if disclosed would deprive a person to a fair trial or impartial hearing

Records prepared solely in anticipation of litigation that are not available under the rules of discovery.

Records relating to an ongoing or planned audit until the final audit is released.

Records if disclosed would jeopardize the security of a correctional facility.

Records relating to incarceration, treatment, probation or parole that would interfere with the control and supervision of an offender.

Records which may identify a source who is not generally known

Unpublished manuscripts, lecture notes or research data

Collective bargaining strategies

Records of historic, prehistoric, paleontological or biological resources

Minutes of closed meetings

Settlement negotiations (not including the final settlement)

Records if disclosed could impair governmental procurement proceedings.

Records if disclosed could interfere with investigations

Other

Classification Occurs When A Request is Made

- What is being asked for?**
- Is the record the subject of an open procurement?**
- Is there any reason the record is not public at the time of the Request?**
- Are there any Federal laws that need to be considered with this record?**
- Do Utah Code sections outside of GRAMA apply?**

Examples

SSI (Sensitive Security Information)	49 CFR 1520.5
SSO (State Safety Oversight)	80 FR 1102
Privacy Act Statement	65 FR 19477
NTD (National Transit Database)	49 CFR 630
Safety Devices (performance data loco)	49 CFR §218.53(c)
In Cab Video cameras/ recordings	49 CFR §229.135(e)
Electronic Fare Collection/ Travel History	UCA 17B-2a-815(3)
Arrest Reports	UCA 41-6a-404

Responding to a Request

KEY HINTS

- **Date-stamp the Request the day you receive it.**
- **Provide a written response and keep a copy of everything.**
- **Checklists are good.**

There's a form for that!!!

- Date request received: _____
- Initial time limit for response: 5 days 10 days
- Classification: Public Private Controlled
 Protected SSI Exempt
- Access is governed by a law other than GRAMA
- Requested document is not a “record” under GRAMA

More form to go...

- **PRIVATE:** Requester is the subject of the record.
- Requester is other person authorized by UCA 63G-202(1) and has supplied required documentation.
- Requester is not authorized to have access.
- **CONTROLLED:** Requester is a physician, psychologist, or certified social worker, has supplied an original notarized release from the subject of the record dated no more than 90 days prior to this request, and has signed an acknowledgment re nondisclosure. UCA §63G-2-202(2).
- Requester is not entitled to access.
- **PROTECTED:** Requester is person who submitted record.
- Requester is other person authorized by UCA §63G-2-202(4) and has supplied required documentation.
- Requester is not entitled to access.

And more form...

- **How was identification verified?**
- Response to request: (See UCA §63G-2-204)
- Approved. Requester notified on _____.
- Lawful fee: \$_____ Lawful fee paid.
- Denied. Written denial sent on _____.
- Requester notified agency does not maintain record, and, if known, was also notified of name and address of agency that does maintain record on _____.
- Extension of time claimed for extraordinary circumstances. Required notice Sent, see UCA§ 63G-2-204(3)(iv).
- Copy fees: Amount \$
- Staff time: _____ Hours _____ Hourly Rate _____
- If waived, fee waiver approved by _____

Last of the form!!!!

- Appeal to CEO Received: _____
- Decision from CEO Sent on: _____
- Appeal to the Board Received: _____
- Decision from the Board Sent on: _____

Questions?????

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