

Moving Towards Clarity:

State Records Committee decisions
regarding record sharing and
destroyed records

Outline

I. How the law changed

II. SRC hearings regarding shared records

III. Resources

IV. SRC hearing regarding destroyed records

V. Resources

Section I

How the law changed

Title 63G General Government
Chapter 2 Government Records Access and Management Act
Part 2 Access to Records
Section 204 Record request -- Response -- Time for responding. (Effective 5/14/2019)

Effective 5/14/2019

63G-2-204. Record request -- Response -- Time for responding.

- (1) (a) A person making a request for a record shall submit to the governmental entity that retains the record a written request containing:
- (i) the person's:
 - (A) name;
 - (B) mailing address;
 - (C) email address, if the person has an email address and is willing to accept communications by email relating to the person's records request; and
 - (D) daytime telephone number; and
 - (ii) a description of the record requested that identifies the record with reasonable specificity.
- (b) (i) A single record request may not be submitted to multiple governmental entities.
- (ii) Subsection (1)(b)(i) may not be construed to prevent a person from submitting a separate record request to each of multiple governmental entities, even if each of the separate requests seeks access to the same record.
- (2) (a) In response to a request for a record, a governmental entity may not provide a record that it has received under Section 63G-2-206 as a shared record.
- (b) If a governmental entity is prohibited from providing a record under Subsection (2)(a), the governmental entity shall:
- (i) deny the records request; and
 - (ii) inform the person making the request of the identity of the governmental entity from which the shared record was received.

Title 63G General Government
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Hearings at the State Records Committee

Hearings at the State Records Committee

1. Record request
2. Request denied
3. Denial appealed to the CAO
4. Appeal denied
5. Denial appealed to the SRC

Section II

SRC hearings regarding shared records

16-19:

Contractor records



16-19:

Contractor records



16-19:

Contractor records



16-36: Shared database



16-36: Shared database



14-19:

Shared for investigation



14-19:

Shared for investigation



16-48:

Owned or shared



16-48:

Owned or shared



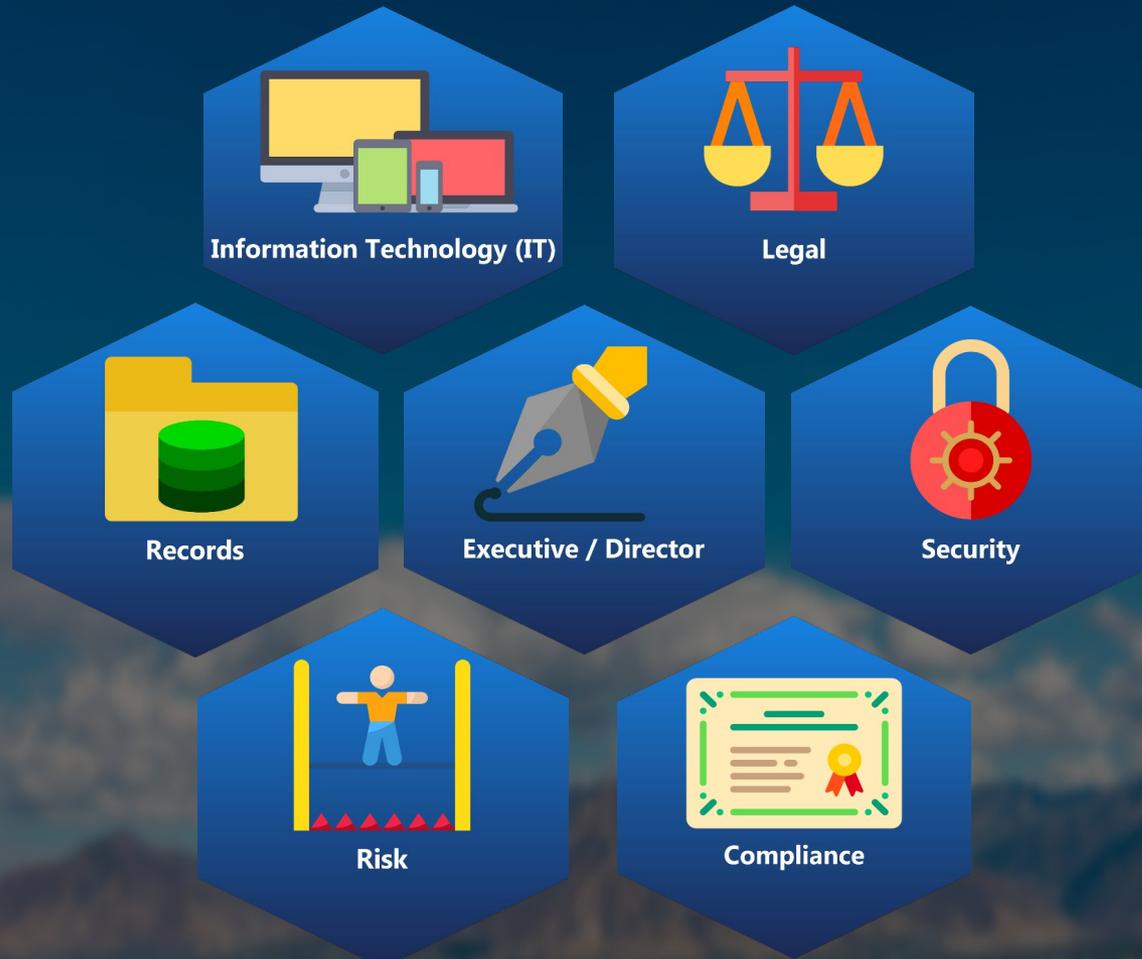
Section III

Resources

- Upcoming training
 - GRAMA 101
- Records Management Plans

- Upcoming training
 - GRAMA 101

- Records Management Plans



GRAMA request v. Record Sharing



GRAMA and Open Government

Government records belong to the citizens of the state, who have a legal right to open and fair access.

 **Records Laws**
Link to records laws, local records ordinances and policies, and judicial decisions.

 **Records Ombudsman**
Get help with making or responding to records requests and appeals; discover transparency resources.

 **Certified Records Officers**
Identify records officers for each governmental entity, and their training certification status.

 **Open Records Portal**
Submit a records request (GRAMA request) to a governmental entity.

 **Public Notice Website**
Post or find public information and notices of open and public meetings and other government actions.

 **State Records Committee**
Appeal records denial or learn about State Records Committee functions and decisions.

Page Last Updated June 4, 2018.

Government Records Ombudsman & Resources

The Government Records Ombudsman is appointed by the State Archivist. The ombudsman is familiar with the provisions of GRAMA (Government Records Access and Management Act) and serves as a resource for people who are making government records requests or appealing denials of records requests. The ombudsman also serves as a resource for government records officers who are responding to records requests. Upon request, the ombudsman can attempt to mediate disputes between requesters and responders. More information

Government Records Ombudsman

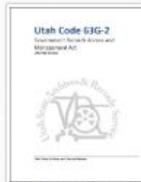


Rosemary Cundiff

346 S Rio Grande St
Salt Lake City, UT 84101
(801) 531-3858
rcundiff@utah.gov

[Download vCard](#)

Records Laws



Utah Code 63G-2 is the Government Records Access and Management Act.

Records Laws

- [Current Online](#)
- [Current in PDF](#)
- [GRAMA Changes 2019](#)
 - [Narrative](#)
 - [Strikethrough Text](#)
- [Previous Changes to GRAMA:](#)
- [Records Laws](#)
 - [Local](#)
 - [State](#)
 - [Federal](#)
- [Case Law](#)

Ombudsman Reports

- [2017](#)
- [2016](#)
- [2015](#)
- [2014](#)
- [2013](#)
- [2012](#)

Forms

[GRAMA Request Forms for the Public](#)

[Forms for Governmental Entities:](#)

Practical Application

- [How to File a Request for Records under GRAMA](#)
- [Navigating the Appeals Process](#)
- [Effective Dispute Resolution Strategies \(PDF\)](#)
- [Sharing Records \(PDF\)](#)
- [Classifying Drafts \(PDF\)](#)
- [What does GRAMA say about fees? \(PDF\)](#)
- [What does GRAMA say about accessing police reports? \(PDF\)](#)
- [A Clearly Unwarranted Invasion of Personal Privacy \(PDF\)](#)
- [Fee waiver hearings](#)
- [GRAMA Compliance Checklist](#)
- [PRMA Compliance Checklist](#)

Open Government Conferences

- [A Day of Sunshine 2018](#)

Records Officers Certification

GRAMA and Sharing Records

Table of Contents

1. What GRAMA says about sharing records
2. Who can access shared records
3. Sharing with contractors / private providers
4. Written agreements
5. GRAMA requests
6. Additional Guidelines

1. What GRAMA says about sharing records

Part Two of the Government Records Access and Management Act, "Access to Records," outlines requirements for sharing records. Sharing a record means providing private, controlled, or protected records or information to another governmental entity or to a contractor or private provider. Records-sharing differs from GRAMA requests in that the recipient is not a member of the public, but is another governmental entity or is a contractor or private provider employed by a governmental entity.

[Return to Ombudsman Page](#) | [Next](#) →

Office of the Government Records Ombudsman
Utah State Archives

<http://archives.utah.gov/opengovernment/ombudsman.html>

Record Sharing Agreement for Governmental Entities

Note: Utah Code Section [63G-2-206\(1\)\(2\)\(3\)](#) states that a governmental entity may provide a record that is private, controlled, or protected to another governmental entity, a government-managed corporation, a political subdivision, the federal government, or another state. Further details are defined.

Originating governmental entity information

Agency name: _____

Address: _____

City/State/ZIP: _____

Records officer or contact person: _____

Telephone number: _____

Email address: _____

Recipient governmental entity information

Agency name: _____

Address: _____

City/State/ZIP: _____

Records officer or contact person: _____

Telephone number: _____

Email address: _____

Description of records being shared

Title/ series number/ description: _____

Inclusive dates: _____

Format: _____

Reason for sharing records: _____



Section III

SRC hearings regarding destroyed records

17-16:

Destroyed with old system



14-10:

No Destruction Log



14-10:

No Destruction Log



09-12:

Unrecoverable



09-12:

Unrecoverable



Section IV

Resources

- Upcoming training
 - GRAMA 101
 - RIM 101
 - Using Retention Schedules

- Upcoming training
 - RIM 101
 - Using Retention Schedules
- Records Management Plans



Records and Information Management | archives.utah.gov/rim/

Utah Division of Archives and Records Service

DAS HOME ARCHIVES BUILDING BOARD DFCM FINANCE FLEET PURCHASING RESOURCE STEWARD RISK RULES

RESEARCH RECORDS OPEN GOVERNMENT RECORDS & INFORMATION MANAGEMENT OUTREACH & PARTNERS BLOG ABOUT US CONTACT US

RECORDS AND INFORMATION MANAGEMENT (RIM) SERVICES

Records & Information Management (RIM)

Guidelines and Policies

Find policies and guidelines for records officer, managing electronic records, and more.

Retention Schedules

View schedules to understand records retention and disposal requirements.

Training & Certification

Get certified or register for training on GRAMA and records and information management issues.

Create/Update Retention Schedule

Learn about scheduling records: update or create a new retention schedule and notify the Archives of records classification.

Transfer Records

Transfer to, store in, or retrieve records from the State Records Center.

Reformatting Services

Request duplication or reformatting of microfilm, paper, or electronic records.

The Archives assists Utah government agencies with their records and information management responsibilities. A team of RIM specialists is available to your agency to help answer questions. Find answers to commonly asked questions on our FAQs page.

Contact Us

Page Last Updated August 20, 2019



Guidelines, Policies, and Rules

Email Management

- [Email Management Guideline](#) 
- [Google Vault FAQ for Utah's State Governmental Entities](#)

Digital Records and Digitizing

- [Managing Electronic Records](#)
- [Social Media Use Guideline for Government Agencies](#) 
- [Electronic Records Management Migration Guidelines](#) 
- [Guide to Digital Imaging](#)

Traditional Formats

- [Files Management](#)
- [Micrographics Guide](#)

Moving

- [Moving Guide Flyer for All Employees](#)
- [Moving Guide Booklet for Records Officers](#)
- [Sample Log/Inventory Templates](#)

Records Officer Resources

- [Guidelines for Records Officers](#)
- [Glossary of Records and Information Management Terms](#)
- [Administrator's Guide to Records Management](#) 
- [Oaths of Office Filing Instructions](#)
- [Administrative Rules](#)  for Archives
- [Administrative Rules](#)  for the State Records Committee





RECORDS MANAGEMENT ESSENTIALS

[Home](#) ▶ [Records Management Essentials](#) ▶ [Section 3](#) ▶ 3.5. Establish plans for reformatting, data migration, and records storage

Home
1. Public Records Management Act (PRMA)
2. Basic Records Management Principles
2.1. Benefits of establishing and maintaining a records management program
2.2. Analyzing and assessing your records
2.3. Understanding the functions of your agency and the records you should create and maintain
2.4. Scheduling the lifecycle of your records
2.5. Managing record formats
2.6. Essential records and mitigating against loss
3. Ten Steps for Implementing Records Retention
3.1. Find the general retention schedules and your agency's series-specific retention schedules
3.2. Understand the general retention schedules and your agency's series-specific retention schedules
3.3. Inventory your agency's records
3.4. Distribute applicable retention schedules to staff; garner and document staff feedback
3.5. Establish plans for reformatting, data migration, and records storage
3.6. Update and add to your retention schedules as necessary
3.7. Assign recordkeeping responsibilities and train agency staff members
3.8. Organize your records
3.9. Transfer records as necessary
3.10. Destroy records as necessary

3.5. Establish plans for reformatting, data migration, and records storage

Now that you understand the way that your agency is maintaining its records, document current reformatting practices and any future plans that are being considered for reformatting the records. Existing formats as well as plans to reformat, and the designation of a record copy for each record, can be reported to your RIM specialist at the State Archives. Scanning projects, desires to shred the paper format of records still subject to a retention schedule, and efforts to have a paper-free office should be discussed with your RIM specialist before records are destroyed.

For electronic records that need to be usable for longer than a decade, agencies should make a plan to migrate the data. Regular data migration can help your agencies avoid media failure and format obsolescence, as well as gaining benefit from new technologies. Migrating data requires transforming or converting the data from one technology to another, while preserving the essential characteristics of the data. In order to successfully accomplish this, a migration plan must be established that determines what will be migrated, where the record content and metadata are, what people and tools will be used to migrate the data, and how risks to the data will be managed during the process. As you attempt data migration, document the techniques you try, what happens as a result, the challenges that arise, and any failures that occur. After migrating data, verify that content and metadata are accurate, then establish a timeline and process for future migrations.

When records are no longer actively referenced within an agency (used less than once a month), they can be stored off-site in order to free up expensive office space. Any facility used to store government records needs to have secure, stable storage conditions. This means that the building should be built according to fire safety requirements, located away from flood plain areas, secure from water leaks and pest infestations, equipped with an anti-intrusion alarm system, and have environmental controls.¹ One such facility is the State Records Center, a warehouse in Clearfield operated by the State Archives. For agencies that are located long distances from

● Migration

ELECTRONIC RECORDS MANAGEMENT/ MIGRATION

A Guideline of the Utah State Archives and Records Service

System design considerations adapted from Arizona State Library, Archives, and Public Records, [System Design Considerations](#)

June 2012

Purpose: The Government Records Access and Management Act (Utah Code, Title 63G, Chapter 2) and the Public Records Management Act (Utah Code, Title 63A, Chapter 12) impose obligations to retain, manage, and provide access to state government records for the duration of their legal retention periods. In order to meet these requirements, recordkeeping practices need to be integrated into systems.

The core requirements for managing records in an electronic environment are:

- Accessibility—the records must be available for appropriate use for the duration of the retention period.
- Authenticity—the records must be what they claim to be and have integrity, that is, have not been changed, deleted, or otherwise altered.
- Reliability—the data within the records is at all times retrievable (i.e., no loss of data).
- Secure—all of the people authorized to access records according to the classification of the records, and only those people, should have access.

In addition, the systems must be trustworthy, with the hardware, software, and processes to manage the electronic records reasonably secure from misuse and intrusion.

It is important to build records management into systems. The involvement of the records officer in the design of systems is essential to ensure that records meet legal mandates. Records officers should work with their IT professionals to ensure that systems can capture and maintain records, store records securely, provide access to those who are authorized, preserve essential and historical records and destroy obsolete records when they have met their legal retention period.

Systems with no record management requirements put at risk valuable records that protect the rights of citizens, provide evidence of government accountability and document specific and

● Templates

The screenshot shows the website for the Utah Division of Archives and Records Service. The header includes the organization's name and a navigation menu with links to DAS HOME, ARCHIVES, BUILDING BOARD, DFCM, FINANCE, FLEET, PURCHASING, RESOURCE STEWARD, RISK, and RULES. Below this is a secondary menu with icons and labels for RESEARCH RECORDS, OPEN GOVERNMENT, RECORDS MANAGEMENT, OUTREACH & PARTNERS, BLOG, DASHBOARD, ABOUT US, and CONTACT US. A blue breadcrumb trail reads: [RECORDS AND INFORMATION MANAGEMENT \(RIM\) SERVICES](#) > [RIM TEMPLATES](#). A search icon and the text "MORE" are also present. The main content area features a large heading "RIM Templates" and four template cards: "Pre-move inventory" (with a clipboard icon), "Box Inventory" (with a box icon), "Boxes Transferred" (with a box icon), and "Destruction Log" (with a flame icon). Each card includes a brief description of the template's purpose. A "Contact Us" button is located at the bottom left. The footer contains the text "Page Last Updated August 21, 2019".

Utah Division of Archives and Records Service

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RECORDS AND INFORMATION MANAGEMENT (RIM) SERVICES > RIM TEMPLATES MORE

RIM Templates

 **Pre-move inventory**
Use this template to figure out what records your agency has.

 **Box Inventory**
Create a box inventory for every box you send to the Records Center or Archives. Put a copy of this inventory in the box.

 **Boxes Transferred**
Keep track of each box you transfer to the Records Center or Archives.

 **Destruction Log**
Keep track of what records have been destroyed according to approved retention schedules.

[Contact Us](#)

Page Last Updated August 21, 2019

● Destruction log

docs.google.com/spreadsheets/d/1hXXEbKuK7YJMLBIRvUX8OSdwCbKvhYE2nRXrTdg17Zs/edit#gid=1554682164

Utah State Archives Sample Inventory Templates
File Edit View Insert Format Data Tools Add-ons Help Last edit was made on August 12 by Renee Wilson

100% \$ % .0 .00 123 Arial 10 B I U A

	A	B	C	D	E	F
1	Date of Destruction	Legal Authority (Series Number or General Retention Schedule)	Series Title / Record Description	Dates Included	Authorized Signature	Notes
2						
3						
4						
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9						
10						
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12						
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40						

+ ☰ Pre-move Inventory ▾ Box Inventory (box contents) ▾ Boxes Transferred ▾ Destruction Log ▾



- Upcoming training
 - GRAMA 101
 - Using Retention Schedules
- Records Management Plans
 - Define roles and responsibilities
 - Where to go when people have questions
 - Staff training

- Upcoming training
 - GRAMA 101
 - Using Retention Schedules
- Records Management Plans
 - Record custody
 - Scheduling and disposition
 - Classification and Designation
 - Access rights and processes

- Upcoming training
 - GRAMA 101
 - Using Retention Schedules
- Records Management Plans
 - Preservation plans
 - COOP
 - Training
 - Shared drives and systems

- Upcoming training
 - GRAMA 101
 - Using Retention Schedules
- Records Management Plans
 - Increased efficiency
 - Reduced cost
 - Reduced risk
 - Increased transparency
 - Better documentation of agency and state history

State Archives Assistance

- Rosemary Cundiff, State Records Ombudsman
 - rcundiff@utah.gov
 - 801.531.3858
- Avalon Snell, Special Districts and Dept. of Health
 - avalonsnell@utah.gov
 - 801.531.3866
- Heidi Steed, Local Government and Law Enforcement
 - hsteed@utah.gov
 - 801.531.3860
- Rebekkah Shaw, Education Agencies
 - rshaw@utah.gov
 - 801.531.3851
- Renee Wilson, State Government
 - reneewilson@utah.gov
 - 801.531.3842