

#2017-03

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Britt Miller

January 9, 2017

Nova Dubovik
State Records Committee Executive Secretary
Utah Archives Records and Service
346 South Rio Grande St.
Salt Lake City, UT 84101

Dear Ms. Dubovik,

I am appealing the decision by Jerry Benson to deny my request for records of material provided to Utah Transit Authority (UTA) from the Labor Relations Institute (LRI). The Records were denied by Mr. Benson under Utah Code 63G-2-103(22)(b)(iv) & (vi). The original Records were denied based on 63G-2-103(22)(b)(iii)(vi) & (x). As stated in my original appeal, I believe that UTA's reliance on these statutory provisions is misplaced.

First, even if the requested material is copyrighted, that does not mean it is not subject to disclosure. It is within the boundaries of the copyright laws that this material be reviewed and inspected. I request the opportunity to review this material at either the UTA offices or the Archive of Records.

Second, the reasons for denial are inconsistent and misapplied. Suggesting these materials are legally owned by LRI in a private capacity (iii), comparing these materials to junk mail or commercial publications received by UTA (vi), or suggesting that viewing the website in question requires access to the source programming (x) are attempts to use the disqualifying language of GRAMA to remove these materials from GRAMA consideration. UTA purchased a service with associated materials and I would like to review and inspect those materials, which does not violate copyright law.

Sincerely yours,

[Signature]

Britt Miller

cc: Jerry Benson, President & CEO UTA