

2017-79

REC'D AUG 16 2017

Steven J. Onysko

August 16, 2017

Nova Dubovik
Executive Secretary
State Records Committee
346 S. Rio Grande
Salt Lake City, UT 84101-1106

Ms. Dubovik:

Subject: Committee Appeal of DHRM Chief Administrative Officer Nonresponse to August 3, 2017, Appeal to the Chief Administrative Officer of July 17, 2017, Denial of GRAMA Appeal, Dated July 10, 2017

This communication to you is my GRAMA-related appeal per:

Title 63G-2-401. Appeal to chief administrative officer – Notice of the decision of the appeal.

...

(5)

- (a) *The chief administrative officer shall make a decision on the appeal within:*
 - (i) *five business days after the chief administrative officer's receipt of the notice of appeal; or*
 - (ii) *12 business days after the governmental entity sends the notice of appeal to a person who submitted a claim of business confidentiality.*
- (b)
 - (i) *If the chief administrative officer fails to make a decision on an appeal of an access denial within the time specified in Subsection (5)(a), the failure is the equivalent of a decision affirming the access denial.*

Title 63G-2-402. Appealing a decision of a chief administrative officer.

(1) *If the decision of the chief administrative officer of a governmental entity under Section 63G-2-401 is to affirm the denial of a record request, the requester may:*

(a)

- (i) *appeal the decision to the records committee, as provided in Section 63G-2-403; or*

...

(2) *A requester who appeals a chief administrative officer's decision to the records committee or a local appeals board does not lose or waive the right to seek judicial review of the decision of the records committee or local appeals board.*

(3) *As provided in Section 63G-2-403, an interested party may appeal to the records committee a chief administrative officer's decision under Section 63G-2-401 affirming an access denial.*

I am aware of my following obligations:

Title 63G-2-403(2).

...

(2) The notice of appeal shall:

- (a) contain the name, mailing address, and daytime telephone number of the records committee appellant;*
- (b) be accompanied by a copy of the decision being appealed; and*
- (c) state the relief sought.*

Title 63G-2-403(3).

...

(3) The records committee appellant:

- (a) shall, on the day on which the notice of appeal is filed with the records committee, serve a copy of the notice of appeal on:*
 - (i) the governmental entity whose access denial is the subject of the appeal, if the records committee appellant is a requester or interested party; or*
 - (ii) the requester or interested party who is a party to the local appeals board proceeding that resulted in the decision that the political subdivision is appealing to the records committee, if the records committee appellant is a political subdivision; and*
- (b) may file a short statement of facts, reasons, and legal authority in support of the appeal.*

I have attached copies of:

April 17, 2017, initial GRAMA request to the Department of Human Resource Management (DHRM) [Exhibit 1] requesting "metadata" for a document purportedly authored by Shane Bekkemellom (copy of that document is embedded in the original GRAMA request), and other records/documents access;

April 17, 2107, email acknowledgement to Appellant from DHRM's Kurt Bradburn acknowledging the original GRAMA request's receipt by Bradburn [Exhibit 2];

July 17, 2017, GRAMA request fulfillment, from DHRM's Kurt Bradburn, to Appellant [Exhibit 3];

August 3, 2017, Appellant appeal [Exhibit 4] to the Chief Administrative Officer, DHRM Executive Director Debbie Cragun, of the July 17, 2017, GRAMA request fulfillment, from DHRM's Kurt Bradburn, to Appellant [Exhibit 3];

August 4, 2017, email acknowledgement [Exhibit 5] to Appellant that the Chief Administrative Officer, DHRM Executive Director Debbie Cragun, received the August 3, 2017, Appellant appeal [Exhibit 4] to the Chief Administrative Officer;

**Relief Sought by Appellant for the Chief Administrative Officer's
63G-2-401(5)(b)(i) Failure to Respond (Equivalent to Affirmation of the
Records Officer 63G-2-205(1) Denial in Part)**

Appellant reiterates the relief sought as previously identified in his August 3, 2017, Appellant appeal [Exhibit 4] to the Chief Administrative Officer, DHRM Executive Director Debbie Cragun:

Appellant wants DHRM to fulfill completely Appellant's April 17, 2017, GRAMA request [Exhibit 1] for the metadata associated with the identified, purported Bekkemellom-authored document therein, and all its versions, and all emails referencing or attaching, any of these versions;

Appellant wants DHRM to desist from further obfuscation of these matters, and further demand of cost to Appellant;

Appellant posits that DTS or other agent for DHRM can easily and quickly allow Appellant access to view nightly computer data backups that will reveal metadata that enables Appellant to find the information he requires;

Respectfully yours,



Steven J. Onysko

cc: Nova Dubovik, Executive Secretary, Utah State Records Committee, ndubovik@utah.gov
Rosemary Cundiff, Utah State Archives and Records Service Ombudsman, rcundiff@utah.gov
Kurt Bradburn, Department of Human Resource Management, kbradburn@utah.gov
Paul Tonks, Utah Assistant Attorney General, ptonks@agutah.gov
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