

#2017-37

GRAMA Notice of Appeal to State Records Committee

Note: Utah Code § 63G-2-403 (GRAMA) provides that any person may further appeal the chief administrative officer's denial of an appeal by filing a notice of appeal with the State Records Committee. This notice must be filed within 30 days of the response from a governmental entity's chief administrative officer or no later than 45 days after the records request was made if the following occur: the governmental entity claims extraordinary circumstances, and the chief administrative officer failed to make a determination.

Requester's information

Name: LANCE JAY ROLPH Date: May 4, 2017

Address: _____

City/State/Zip: _____

Daytime telephone number: _____

Make request to

Nova Dubovik
346 South Rio Grande Street
Salt Lake City, Utah 84101
ndubovik@utah.gov

Explanation of Relief Sought

Note: Relief can relate to conflicts over denial of access to records (Utah Code § 63G-2-402) as well as disputes over fees (Utah Code § 63G-2-203(6)) or extraordinary circumstances (Utah Code § 63G-2-402).

The State Records Committee can also use the weighing provision to order the release of records that are properly restricted if it determines that the interests favoring access are greater than or equal to the interests favoring restriction (Utah Code § 63G-2-203(11))

I am Lance J. Rolph & on February 27, 2017 I submitted a written GRAMA request to Utah's Office of Recovery Services. Along with the GRAMA request itself, I had attached a PDF file of which I personally had made red markings. I received a call from _____ stating that she was unable to see/locate the attached PDF file referenced in my GRAMA request & asked if could email her a copy. On February 28, 2017 I emailed _____ the same PDF that I had attached in my GRAMA request the day before labeled "corisaccess_39110346.pdf". This attached file was purchased & provided to me by the 2nd District Court, this PDF was a copy of my:
1.) Statement of Defendant In Advance of Guilty Plea & Certificate of Counsel - Filed June 18, 2008 in Second District Court Ogden
2.) Debt Computation - Prepared by: _____ on June 16, 2008
On March 16, 2017 I received a response letter dated March 13, 2017 from Ms.Kari Smith. In this response letter, I was provided with case notes, narratives & an **unmarked copy** (unmarked meaning the red markings that I had made were not present & overall print quality of document was much better than the copy I purchased from 2nd District Court) of my Statement of Defendant In Advance of Guilty Plea & Certificate of Counsel & Debt Computation that I had submitted in my GRAMA request as well as a marked copy via email to _____ on February 28, 2017 via email.
Response #3 states that "*ORS does not maintain the debt computation*" & was referred to AGO. I find this statement to be FALSE due to the response that I had received contained an identical but unmarked copy of the very PDF that I had provided, but was not the file I had given as a copy.
Response #2 states "*ORS does not have any documentation stating what records were presented in court.*" If you would please review my GRAMA request details dated February 27, 2017. I did not request "*documentation stating what records were presented in court!*" The request I (Lance Rolph) made was for "*copies of any and all evidence used to against me during any court hearings*". I did not address this issue in the appeal I submitted to Ms.Stockdale dated April 12, 2017 due to not noticing the inaccuracy of the response until a later date.-----
On April 12, 2017 I submitted an appeal to the Chief Administrative Officer of Utah's Office of Recovery Services, Ms.Leisa Stockdale via email (lcorbri2@utah.gov). On April 26, 2017, I received a response letter in the mail from Ms.Stockdale the letter itself dated April 13, 2017 & the envelope for that letter dated April 24, 2017. In this letter Ms.Stockdale states: "*ORS's response to you dated March 13, 2017, included the ORS case notes (which are also referred to as narratives) and events for the time frame requested. The case notes would also include comments documented in ORSIS.*"
CS Appendix A-P || Acronyms & Glossary of ORS/CSS Terms
If you click on the link listed above, it opens a web page published by ORS official has a few of the terms that I used in my GRAMA Request. I am going to copy & paste the specific terms that I did use to save time & to further prove my point.
Case: In Utah, a case is a group of one or more participants associated with a particular set of ORS services, with a unique case number. Every case has a record in ORSIS. Case records store case-related information, such as the case number, the case type, and a list of case participants. A case may involve zero, one, or more obligations.
ORS/CSS: Office of Recovery Services/Child Support Services: The IV-D Child Support Services Program within ORS for the State of Utah.
ORSIS: Office of Recovery Services Information System: A computer System that automates the activities of the programs administered by

the Office of Recovery Services

Comment: Free form text that is entered on the ORSIS to record or explain participant or case-level actions. Comments may be updated, but only the latest version of the comment will be saved.

Event: A description of an action related to a participant or case. When a significant action occurs on ORSIS, the system automatically creates an event. Events can also be generated by using the Worker Initiated Events screen (605)

Narrative: An official case record, similar to legal notes, which must document all actions a worker takes on a case. They are a permanent text entered into ORSIS to record participant or case-level actions. They may be updated or deleted only on the same day they were entered and only by the same worker.

Record: (1) In ORSIS: A group of data that is related to a specific person, place, or thing. For example, a participant record contains the person's name, SSN, date of birth, and more. ORSIS usually displays records as rows on a list screen.

(2) As defined in 45 CFR 303.1: "Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form."

As you can see, based off of ORS Glossary Definitions listed above, these records are very different. Case Notes are **similar** to Narratives, but are not at all the same record by any means, and should not be confused as such.

The GRAMA request I made dated February 27, 2017 was:

"I am Lance Jay Rolph I am requesting all & any records of evidence that used Office of Recovery Services used against me in any & all of my court cases in both Weber County as well as Salt Lake County. In particular, I am interested in the evidence stating how I failed to support my children prior to the year 2000. I am attaching court document that I am referring to, and have marked in red the referenced evidence I am requesting. I am requesting any & all copies of evidence that was used against me. This records request of evidence used against me is not limited to what I have marked in red. I am requesting a copy of any and all evidence used to against me during any court hearings.

I am also requesting an updated copy of the debt computation for my case. As well as records of any adjustments to that amount as well as reasons for its adjustment. I am also requesting copies of any & all Comments, Events, & Narratives entered into ORSIS for my case from September 17, 2016 to Current Date (February 24, 2017)"

In Ms. Stockdales letter, she affirms the denial of my right to obtain or even review the records located within the ORS case file of which I am the subject without providing any statement of reason to justify the denial of the records requested as required by Utah Law Code 63G-2-205(b) Utah Code 63G-2-202 (Access to private, controlled, and protected documents) states:

(1) Upon request, and except as provided in Subsection (11)(a), a governmental entity shall disclose a private record to:

(a) the subject of the record;

(4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental entity shall disclose a protected record to:

(b) any other individual who:

(i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or

(ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;-----

I would like to show a previous GRAMA Request/Response that I submitted to ORS in September 2016. In this GRAMA request dated September 18, 2016, I made a similar request for the same records listed in my current GRAMA request. I providing a copy of the September 2016 request details as well as the first 11 pages of the response that I received from ORS. To scan the entire response would be at least 100+ pages.

In regards to my request for ORSIS comments, events & narratives this response is quite small compared to the response I received in September 2016, barely making 2 pages. This is not including the 15 pages of ORS's Copy of my Statement of Defendant In Advance of Guilty Plea & Certificate of Counsel & debt computation. Identical to the record that I had originally submitted in my GRAMA request on February 27, 2017 that I had marked with red markings except, unmarked.

The response given to me in September 2016 was very official. At the top it's clearly states "NARRATIVES--This is not public information". The response I just received March 13, 2017 has no such statement. In fact, the 2 pages don't look at all to be an official ORS document, if compared to the document I received September 2016.

My personal opinion, ORS was created in effort to help citizens who seek some sort of authority in mediating/creating a fair & reasonable plan to provide care for their child[ren]. All the while, agreeing to maintain/retain records on the governments behalf, though in some cases accidents do happen & occasionally records do get lost. Essentially, retaining records I would assume is a large part of ORS's job requirement. To further prove this point, I have provided a copy of the Kofax Case Study that was printed in 2013. I am copying & pasting directly from the Kofax Case Study to save time.

" In 2005 ORS began exploring a technology solution that would allow it to digitize its case files & make them centrally available electronically throughout the agency. ORS wanted to focus on digitally capturing the paper based documents representing the more than 85,000 child support cases in the state, which translate to between 6 and 7 million pages of paper documents. All of these files were stored across several office locations throughout the state in filing cabinets, which took up much needed office space and created challenges when records needed to be accessed by case workers or attorneys at a moment's notice. Additionally, ORS wanted to implement an electronic mailroom solution that would allow the organization to proactively capture 80,000 pieces of new mail which they received each month that needed to be distributed to case workers located throughout the state. Lost files, missing files, and information and workers spread across the state made quick and easy access an increasingly difficult challenge. ORS turned to Dataimage, a Kofax Partner based in Salt Lake City, Utah. Kofax helps organizations streamline their business processes by capturing information wherever it originates and delivering it into enterprise applications to drive business processes. 1 of the 3 solution included Kofax Capturees, which provides industry leading scan-to-archive capabilities by scanning documents & forms to create digital images, extracting index data for retrieval purposes & delivering the images & associated data to a variety of repositories & applications. The Kofax Transformation Modules adds document & form classification, page separation, challenging data extraction & validation capabilities to Kofax Capture to drive robust capture-toprocess applications. The solution also featured Kofax's VRS Elite™ patented image enhancement & perfection software. The integration of VRS helped ensure the quality of the document images throughout their lifecycle, which can be up to 40 years. Some of the handwritten paper documents that ORS needed to capture were nearly 20 years old, & without Kofax VRS Elite, they wouldn't have been legible. Dataimage worked with ORS to implement a Kofax-based electronic mailroom system to capture new paper mail documents as they enter the organization. The electronic mailroom digitally processes & distributes more than 80,000 pieces of mail per month — over 350,000 pages. As a result of the success of the original project for Child Support Services, ORS has since expanded the solution to additional bureau's that include the Bureau of Medical Collections, Children in Care Collections and the State Hospital Program. Altogether the total case file count for all these agencies, which have been imaged & are now stored digitally has grown from 80,000 in 2007 to 255,000. The total volume of pages which have been scanned has increased from 6M in the initial project to over 20M. The solution has also enabled ORS to offer telecommuting to over 200 workers who can now work from home offices. Lastly, ORS can now be assured that all case files are in full compliance with industry regulations & that all forms have been accurately captured. The next ORS project will be the capturing all related litigation files for the Attorney General's office."

My point being, ORS obviously has a very important responsibility in maintaining accurate & detailed records. ORS has told me many times that they do not possess the record I'm requesting at that moment, I just find it surprising how often they refer others to AGO when they themselves received a grant just for the purpose of retaining all case file records.

According to UT ORS Retention and Classification Report SERIES: 22580 3 TITLE: Recovery Services client case files (Ogden Office) Paper: Retain in Office for 1 year after case is CLOSED & then transfer to State Records Center. Retain in State Records Center for 3 years & then destroy.

My child support case is obviously still open, & the records within this case file should be readily available. If they're not, I should be given a reason as to why these records are not available to me. As this entire case file is about ME, Being the subject of the records within my case file, I have every right in the state of Utah to request & receive a copy of the contents of my case file (within reason of other parties private information such as SSN & things of that nature). I am also attaching Utah's Recovery Services Admin Code Rule R527-5. Release of Information for reference.

The following UT Codes apply to this appeal: 63G-2-201, 63G-2-202, 63G-2-203, 63G-2-401, 63G-2-602, 63G-2-604

Inclusions for notice of appeal

The State Records Committee requires documentation and has specific appeals procedures which are outlined in Administrative Rule: Title R35. Administrative Services, Records Committee, and should be reviewed by a petitioner.

This petition to appeal to the State Records Committee requires the following attachments or inclusions:

- Statement of facts, reasons, and legal authority in support of this appeal
(see Utah Code § 63G-2-403(3)(b)).
- Original GRAMA request
- Notice of denial from the governmental agency's records officer
- Notice of appeal to the governmental entity's chief administrative officer
- Notice of denial from the governmental entity's chief administrative officer

This notice of appeal must, **on the same day**, also be forwarded to the governmental entity to which the records request was made (Utah Code § 63G-2-403(3)).

- Notice of appeal sent to agency

Request assistance

A petitioner may request assistance from the government records ombudsman. The ombudsman's responsibility is to serve as a resource for a person who is filing an appeal relating to a records request. The ombudsman may also attempt to mediate disputes between requesters and responders (Utah Code § 63A-12-111(2)).

Rosemary Cundiff
346 South Rio Grande Street
Salt Lake City, Utah 84101
rcundiff@utah.gov
(801) 531-3858