REC'D JUL 11 2019

Gordon W. Thomas
#18372
USP: P.O. box 250
Draper, Utah 84020

7-8-19

To: Div. of Archives
and Records Services

Greetings,

Please find enclosed in this order —

1. Appeal to this records committee;
2. 63G-2-203(4)(b) requesting fee waiver by Dept. of Corrections;
3. Records request / letter;
4. DIO denial form;
5. Appeal to Deputy Director.

Please return a complete set of the above documents —

Thank you

cc:

Sincerely
Thomas

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#18372
USP: P.O. box 250
Draper, Utah 84020

7-8-19

To: Division of Archives
and Records Service
State of Utah
346 S. Rio Grande St
SLC, Utah 84101-1106

RE: Records Request Appeal
Pursuant to 63G-2-403 UCA
Mental Health Diagnosis

To whom it may concern,

I have allowed more than the 5 business days allowed and that refusal of the UDC's Deputy Director to reply is a denial 63G-2-401(5)(a),(b) UCA.

My original request was for records that show my mental health diagnosis for Axis I and II.
(See Appeal to Deputy Director, p. 2 Axis I and II).

This information should not have been denied because:

1. The State has no legal or penological interest in withholding information whether I suffer from depression, anxiety, bipolar disorder, etc.,. If I have any such mental illness I would receive treatment (medications) and would of course know the diagnosis.

2. The states "use" of the statute by simply citing it does not provide me with the actual reason(s) for denying the information - that statute itself only gives a broad range of information that fall within the "controlled" category and that of itself is ambigous.

And by the Deputy Directors refusal to respond to my appeal, the UDOC[1] has waived its opportunity to show why my Axis I and III information should be withheld from me.

(■ refusing to respond may also be the UDOC's way to hope I go away and they don't need to actually provide a legal reason or penological interest for denying the information believing this matter will end with them).

3. The Statute tells what kinds of records are controlled[2]

"a record is controlled if: (1) the record contains medical, psychiatric, or psychological data about an individual";

■ That statement can't mean all / any information under those categories, evidence of that is based upon the next part of the statement:

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(1) Utah Dept. of Corrections
(2) 63G-2-304 UCA

(2) the government entity reasonably believe that: (a) releasing the information in the record to the Subject of the record would be detrimental to the Subjects mental health or to the Safety of any individual;

(Emphasis mine)

- based upon the Deputy Directors refusal to respond we don't know what is reasonably believed. Nor do we know how telling me I'm depressed, etc., would cause me or any individual harm. Based upon the Subject information under Axis I and II (See appeal to Deputy Director p.2) that information appears misclassified in Section 63G-2-301 UCA (3).

- (2)(b) and the remaining reasons do not apply to this appeal.

Relief Sought

1. That my diagnosis within the Axis I and II definitions be provided to me pursuant to 63G-2-203(4)(a),(b),(c) UCA and that the Axis I and II information be correctly reclassified as private, because I am investigating the effects of long term incarceration and parolee violence and will use my information as a starting point.

The murder of U of U student Lauren McCluskey by a parolee should spark the concern and interest of Utahns and the need to know whether the UDOC is meeting its obligation for community protection and safety and determine if its programs are meeting rehabilitative requirements.

(See 64-13-25 UCA Audits and Mission and goals of the Dept. policy)

2. That the UDOC provide an adequate response to my initial appeal and why the Axis I and II information should be controlled.

Thank you

Sincerely

L. Thomas

cc:

my
(copy)

Pursuant to 63G-2-203(4)(b) Fees

4. A governmental entity may fulfill a record request without charge and is encouraged to do so when it determines that:

(a). releasing the record primarily benefits the public rather than a person;

(b). the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or

(c). the requestors legal rights are directly implicated by the information in the record, and the requestor is impeconious.

-Emphasis added-