

## 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: Judith Zimmerman, Ph.D. Date: 7/1/19

Address: [REDACTED] City/State/Zip:

Daytime telephone number: [REDACTED]

### Make request to

SRC Executive Secretary  
346 South Rio Grande Street  
Salt Lake City, Utah 84101  
[gproctor@utah.gov](mailto:gproctor@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\(11\)](#))

See attached summary

### 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 (Optional)
- Notice of decision 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](mailto:rcundiff@utah.gov)  
(801) 531-3858

SRC Executive Secretary  
346 South Rio Grande Street  
Salt Lake City, Utah 84101  
Email: [gproctor@utah.gov](mailto:gproctor@utah.gov)

Re: GRAMA APPEAL

June 30, 2019

Dear State Records Committee,

1. Pursuant to GRAMA, on May 30, 2019, a record request to the Utah Department of Health was submitted through the online open records portal stating "Please provide all correspondence and emails with Utah Department of Health (UDOH) employees including but not limited to Barry Nangle, Harper Randall, Marc Babitz, Nan Streeter, Richard Harward, Iona Traen, and/or David Patton with University of Utah faculty William McMahan ([William.mcmahan@hsc.utah.edu](mailto:William.mcmahan@hsc.utah.edu)), Deborah Bilder ([Deborah.bilder@hsc.utah.edu](mailto:Deborah.bilder@hsc.utah.edu)), and/or Amanda Bakian ([Amanda.bakian@hsc.utah.edu](mailto:Amanda.bakian@hsc.utah.edu)) with a date range from 1/1/2012-12/31/2014. (see attached record's request).
2. The UDOH GRAMA Coordinator, Tom Hudachko responded on May 31, 2019 notifying me of receipt of the request.
3. On June 14, 2019, notification from the Open Records Portal was received indicating my request had been denied due to the timeline for a response expiring.
4. On June 18, 2019 an appeal was sent to the GRAMA Chief Administrative Officer, Shari Watkins, copied to Tom Hudachko.
5. On June 18, 2019 Tom Hudachko responded to me that UDOH was still working on the request.
6. On June 19, a copy of a Data Sharing Agreement signed by Barry Nangle with Deborah Bilder, Amanda Bakian, and William McMahan dated June 18, 2012 by Barry Nangle was provided to UDOH to assist in the search for records (see attached Data Sharing Agreement.)
7. On June 20, 2019, Tom Hudachko provided me 75 records in response to my request.
8. On June 20, Tom Hudachko was notified that at least two known records responsive to my request were missing, the data sharing agreement itself signed by Barry Nangle and an email string between Harper Randall and Deborah Bilder about a "data transfer" meeting (see attached email string). Additionally, no records were provided related to the data transfer meeting, correspondence related to the data sharing agreement itself, UDOH Utah Registry for Autism and Developmental Disabilities Oversight Committee Approval and/or UDOH Institutional Review Board prior approvals routinely required for UDOH research data sharing approval.
9. On June 26, 2019, UDOH Director Dr. Joseph Miner submitted a letter stating, "I believe the UDOH has fulfilled its obligation in responding to your request and am dismissing your appeal of denial." (see attached letter).

STATEMENT OF RELIEF SOUGHT: It is now incumbent upon me to appeal directly to the State Records Committee in order to pursue known and unknown records which by all appearances, could and should have been provided with the initial response.

Sincerely,



Judith Zimmerman



Cc Tom Hudachko, UDOH GRAMA Coordinator  
[thudachko@utah.gov](mailto:thudachko@utah.gov)

Joseph Miner, MD, Executive Director UDOH  
[joeminer@utah.gov](mailto:joeminer@utah.gov)

April Hollingsworth, Attorney  
[april@aprilhollingsworthlawoffice.com](mailto:april@aprilhollingsworthlawoffice.com)