

REC'D SEP 21 2017

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Petitioner, Pro Se

TIER 2

IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

Matthew Winters <i>Petitioner,</i>	Petition for Judicial Review of State Records Committee Decision and Order
vs.	
West Jordan City and Utah State Records Committee <i>Respondents.</i>	Case No. <u>170906014</u> Judge _____

1. The above-named Petitioner seeks judicial review of the final decision and order of the State Records Committee (*Case No. 17-28*). Pursuant to Utah Code §63G-2-404 this is the proper venue and this Court has jurisdiction.
2. The government entity issuing the initial determination (*copy attached*) that is disputed is West Jordan City, 8000 South Redwood Road, West Jordan, Utah 84088.
3. The Petitioner and West Jordan City had a hearing before the State Records Committee on August 10, 2017 (*copy of order attached*).
4. The Petitioner seek declaratory and injunctive relief as contained herein.
5. The Petitioner does not seek review of the entire decision and order. Specifically, classification of some records as private under Utah Code §63G-2-302(1)(b) and 302(2)(g) is not disputed. The Petitioner had already withdrawn part of the appeal prior to the August 10th hearing after West Jordan City subsequently provided information about the content of particular records, at which time the Petitioner understood portions of particular records were properly classified as private.

6. What remains needing judicial review and clarification pertains to records depicting juveniles and the role of Utah Code §63G-2-302(2)(d). It is the Petitioner's position from observations made at the August 10th hearing, that the State Records Committee was not clear on a matter of law, and he believes that clarification from the Court serves public interest. The Petitioner believes that clarification would aide West Jordan City and the State Records Committee (*and therefore the public*) with similar situations in the future.
7. Further, redaction of video records can be potentially very expensive if a government entity must outsource the task to an external entity. If such redaction is unnecessary under the law, then expense can be avoided --- for the Petitioner and others in the future.

FACTS, POSITION, AND ANALYSIS

8. Although some facts and positions seem to have changed over time since the initial records request, it is the Petitioner's understanding that it is West Jordan City's position that some depictions of and personally identifiable aspects of juveniles in records constitutes grounds for private record classification under Utah Code §63G-2-302(2)(d).
9. The Petitioner, while understanding general sensitivities and some concerns regarding juveniles and government records, believes that under GRAMA currently, the juvenile status of a person alone does not meet the burden of Utah Code §63G-2-302(2)(d).
10. Pursuant to *Deseret News Publishing Company v. Salt Lake County*, 2008 UT, 182 P.3d 372, the bar for non-public classification under Utah Code §63G-2-302(2)(d) seems very high.
11. The Petitioner does not believe Utah Code §63G-2-302(2)(d) was intended to be a widely-applied and broad "catch all". He asserts, instead, that the intent is to allow carefully evaluated application when it is absolute necessary on a case-by-case basis.

12. If a government entity or even the State Records Committee more casually applies Utah Code §63G-2-302(2)(d), there is potentially a “slippery slope” leading to wider and wider application beyond its intent and what is reasonable. If it is applied every time there is some sensitivity and sympathy, it would be difficult to avoid an aggregate result throughout the state where numerous types of records are withheld.
13. From the Petitioner's perspective, treating the depiction of or personally identifiable information of a juvenile in a record would be a categorical classification of a record rather than a case-by-case scenario. The Petitioner understands Utah Code §63G-2-302(2)(d) to be a case-by-case classification that seems incongruous with application to a more categorical basis for record classification.
14. Further, if under GRAMA it was intended that juvenile status of a person alone requires non-public record classification, it seems like a very substantial omission in GRAMA to not have such listed specifically.
15. The Petitioner does not assert that records depicting juveniles should not be considered carefully or treated sensitively. However, as it currently is under GRAMA and through a particular records requests up through the order being appealed, it seems to the Petitioner that guidance is necessary so that government entities in general can feel more clear and certain about how to proceed when a record request involves the depiction of and potentially personally identifiable information about a juvenile.
16. This petitioner being a completely new experience for the Petitioner who is also under quite severe time and life circumstance limitations, etc., how much background

information, argument, and analysis is due and proper is not clear. The Petitioner's appeal to the State Records Committee was quite lengthy.

17. From the Petitioner's perspective, this petitioner is mostly, if not exclusively, about clarification of law in the public interest. Following the August 10th hearing, the Petitioner discovered additional information about the records request such that he believes the records might be required to be produced under Utah Code §41-6a-404. However, asking for judicial review seems to be in the best interest of the greatest number of people and entities. Therefore, this Petitioner seemed best.

CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF

18. The Petitioner requests judicial review and declaration of whether Utah Code §63G-2-302(2)(d) directs government entities to treat depictions of and personally identifiable information about juveniles in records as private under GRAMA; and
19. If the Court finds that such depictions in general or for the particular records do not require private classification, to provide injunctive relief directing the Respondent to provide the remaining records without redaction (preferably with no cost).
20. Per URCP 8(a), the Defendant asserts this is a Tier 2 case pursuant to URCP 26(c)(3) whereas his Third-Party Complaint is for non-monetary relief.
21. I declare under criminal penalty of Utah Code §78B-5-705 this Petition is true and correct to the best of my knowledge and good faith belief.

Dated: September 20, 2017

Matthew Winters
Petitioner, Pro Se