

Utah Records Access (GRAMA) Interactive Certification Course

[Begin Course](#)



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Learning Objectives

By the end of this course, you will be able to...

- ✓ Identify the importance of the GRAMA request process and the importance of your role in that process
- ✓ Receive, analyze, plan a response to, and respond to a GRAMA request
- ✓ Identify and properly classify responsive records, and calculate any costs that may be associated with the GRAMA request
- ✓ Work through the process for responding to the appeal of a denied GRAMA request



History of GRAMA

Utah Code

[Title 63G: General Government, Chapter 2: GRAMA](#)

The Government Records Access and Management Act or **GRAMA** is Utah's comprehensive records law.

- It was passed in 1991 and went into effect in 1992.
- The provisions of GRAMA govern the process by which the public may access government records.
- GRAMA provides a classification structure which identifies records that may be made available to the public and records for which access should be restricted.
- GRAMA also provides a process for requesting records, referred to as GRAMA requests.





History of GRAMA

GRAMA is both nuanced and simple:

- GRAMA provides a process for making and responding to records requests and establishes a classification framework for responders to work with.
- GRAMA is divided into nine parts. This course will focus primarily on Parts 1–4 and Utah Code [63A-12-202](#).



Use the arrow button below to learn more about each part of GRAMA.

(You may also use the left & right arrow keys on your keyboard to navigate)



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History of GRAMA

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Part 1: General Provisions

Provides definitions and the requirement for record officer certification.

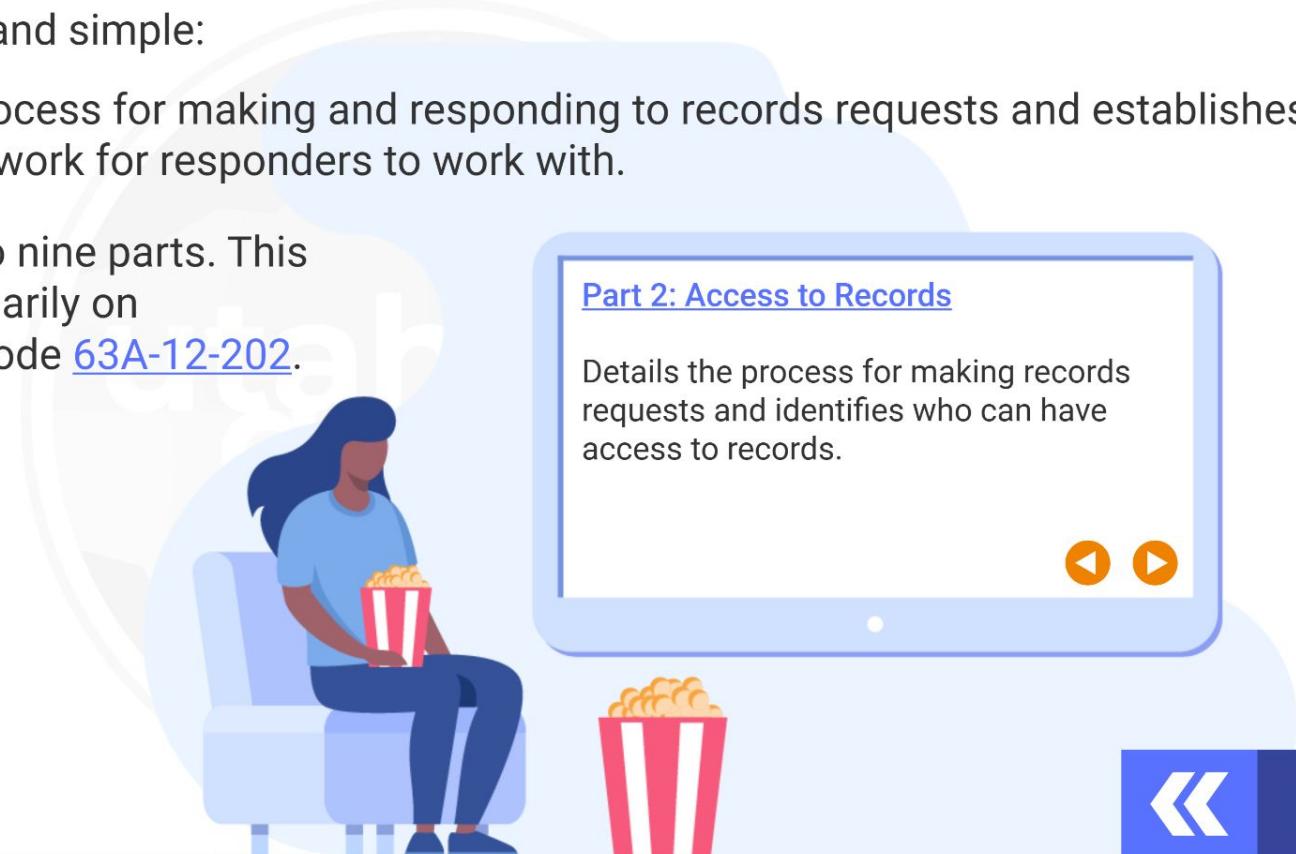




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Part 2: Access to Records

Details the process for making records requests and identifies who can have access to records.



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Part 3: Classification

Establishes a classification structure that maps out which records or information is available to the public and which should be restricted from public access.





History of GRAMA

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- GRAMA is divided into nine parts. This course will focus primarily on Parts 1–4 and Utah Code [63A-12-202](#).



Part 4: Appeals

Sets forth an appeals process which is available to requesters who do not agree with a governmental entity's access decisions.





History of GRAMA

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- GRAMA is divided into nine parts. This course will focus primarily on Parts 1–4 and Utah Code [63A-12-202](#).



Part 6: Collection of Information and Accuracy of Records

Outlines responsibilities for governments that collect private information and also outlines a procedure for making corrections to records.





History of GRAMA

GRAMA is both nuanced and simple:

- GRAMA provides a process for making and responding to records requests and establishes a classification framework for responders to work with.
- GRAMA is divided into nine parts. This course will focus primarily on Parts 1–4 and Utah Code [63A-12-202](#).



Part 7: Applicability to Political Subdivisions, the Judiciary, the Legislature, and Governor & Lt. Governor

Carves out some exceptions in the law for political subdivisions, the Judiciary, the Legislature, the Governor, and the Lieutenant Governor.





History of GRAMA

GRAMA is both nuanced and simple:

- GRAMA provides a process for making and responding to records requests and establishes a classification framework for responders to work with.
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Part 8: Remedies

Describes the penalties for knowingly violating this law.





History of GRAMA

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- GRAMA provides a process for making and responding to records requests and establishes a classification framework for responders to work with.
- GRAMA is divided into nine parts. This course will focus primarily on Parts 1–4 and Utah Code [63A-12-202](#).



Part 9: Public Associations

Declares that public associations are also subject to this chapter.



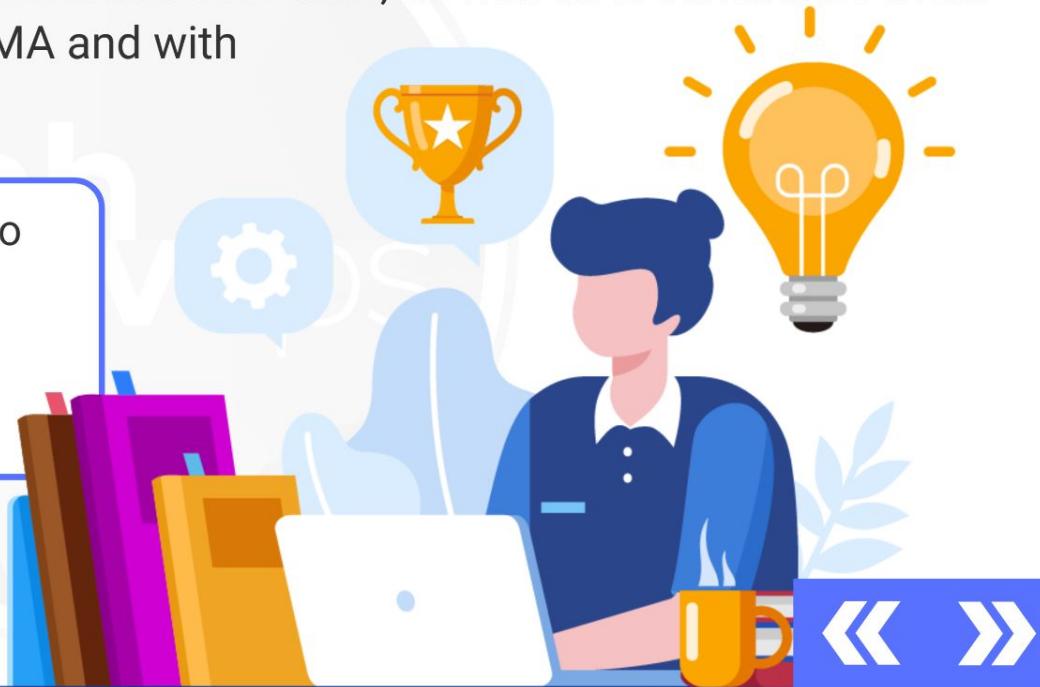


GRAMA Certification Purpose

So, what is the purpose of GRAMA certification? The purpose of certification is to ensure that individuals who respond to GRAMA requests understand the process associated with responding to requests and making classification decisions, as well as to familiarize them with the core values represented in GRAMA and with available resources.

The goal is to help those who respond to GRAMA requests:

- Navigate and interpret the law, and
- Defend their interpretation of it.



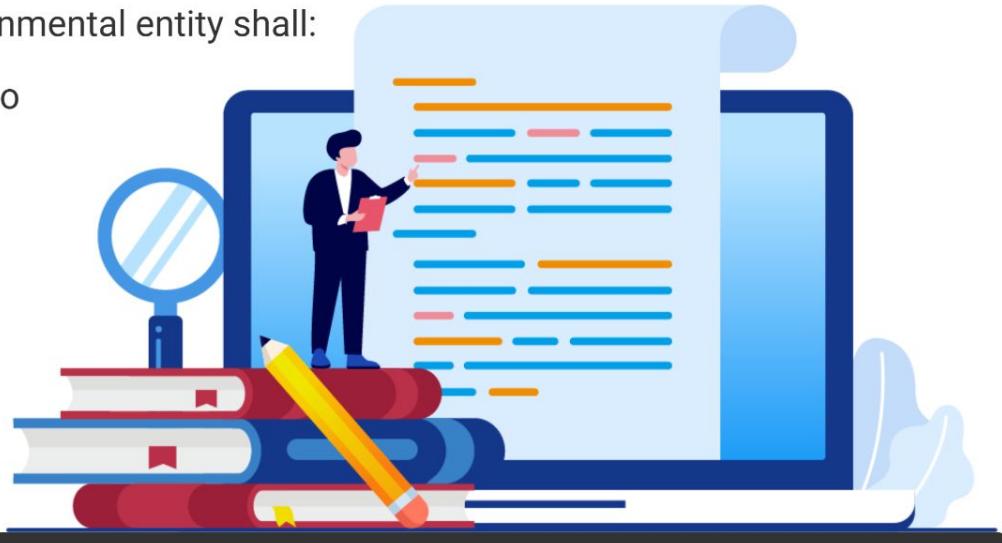
Requirements

Training Requirements

[63A-12-103\(2\) & \(3\)](#)

The chief administrative officer of each governmental entity shall:

- Appoint one or more records officers who will be trained to work with the State Archives, and
- Ensure that officers and employees that receive or process records requests receive required training on the procedures and requirements of GRAMA.



Training Requirement

Records Officer

Certification Requirement



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Requirements

Records Officer

[63G-2-103\(27\)](#)

“Appointed Records Officer” (ARO) means the individual appointed by a chief administrative officer to work with the State Archives on records:



Care



Maintenance



Scheduling



Designation



Classification



Disposal



Preservation

Training Requirement

Records Officer

Certification Requirement



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Requirements

Certification Requirements

[63G-2-108](#)



Each records officer shall, on an annual basis, successfully complete online training and obtain certification from State Archives in accordance with Section [63A-12-110](#).

Training Requirement

Records Officer

Certification Requirement



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Why is GRAMA Important?

“

Government documents are the records of how we as members of a community take care of each other. They tell us how our taxpayer dollars are spent, crimes are investigated, and important decisions are made. We can't be active and engaged citizens without access to this important knowledge.

– Eric Peterson, Local Journalist



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Records Classification

A person has the right to inspect a public record. However, access is limited to controlled, private, and protected records, and to those for which access is limited by another statute.

Select each tab below to become familiar with each classification type defined in GRAMA:

Classification

Public Record

Controlled Record

Private Record

Protected Record

Classification is determining whether a record or information is public, private, controlled, protected or otherwise exempt from disclosure.

[63G-2-103\(4\)](#)



Note: You will learn more about what each classification type means and how they apply later in the course, these definitions are simply to introduce you to the different classification types.



Records Classification

A person has the right to inspect a public record. However, access is limited to controlled, private, and protected records, and to those for which access is limited by another statute.

Select each tab below to become familiar with each classification type defined in GRAMA:

Classification

Public Record

Controlled Record

Private Record

Protected Record

Public record means a record that is not private, controlled, protected or exempt from disclosure based on some other statute.

[63G-2-103\(23\)](#)



Note: You will learn more about what each classification type means and how they apply later in the course, these definitions are simply to introduce you to the different classification types.



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Records Classification

A person has the right to inspect a public record. However, access is limited to controlled, private, and protected records, and to those for which access is limited by another statute.

Select each tab below to become familiar with each classification type defined in GRAMA:

Classification

Public Record

Controlled Record

Private Record

Protected Record

Controlled records contain data on individuals that is controlled as provided in section [63G-2-304](#). The controlled classification is usually applied to certain types of medical, psychiatric, or psychological records.

[63G-2-103\(7\)](#)

Note: You will learn more about what each classification type means and how they apply later in the course, these definitions are simply to introduce you to the different classification types.



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Records Classification

A person has the right to inspect a public record. However, access is limited to controlled, private, and protected records, and to those for which access is limited by another statute.

Select each tab below to become familiar with each classification type defined in GRAMA:

Classification

Public Record

Controlled Record

Private Record

Protected Record

Private records contain data on individuals that is private as provided in section [63G-2-302](#). The private classification is usually applied to records about an individual.

[63G-2-103\(21\)](#)

Note: You will learn more about what each classification type means and how they apply later in the course, these definitions are simply to introduce you to the different classification types.



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Records Classification

A person has the right to inspect a public record. However, access is limited to controlled, private, and protected records, and to those for which access is limited by another statute.

Select each tab below to become familiar with each classification type defined in GRAMA:

Classification

Public Record

Controlled Record

Private Record

Protected Record

Protected record means a record that is classified protected as provided by section [63G-2-305](#). The **protected** classification is usually applied to records about a government entity or organization.

[63G-2-103\(22\)](#)



Note: You will learn more about what each classification type means and how they apply later in the course, these definitions are simply to introduce you to the different classification types.



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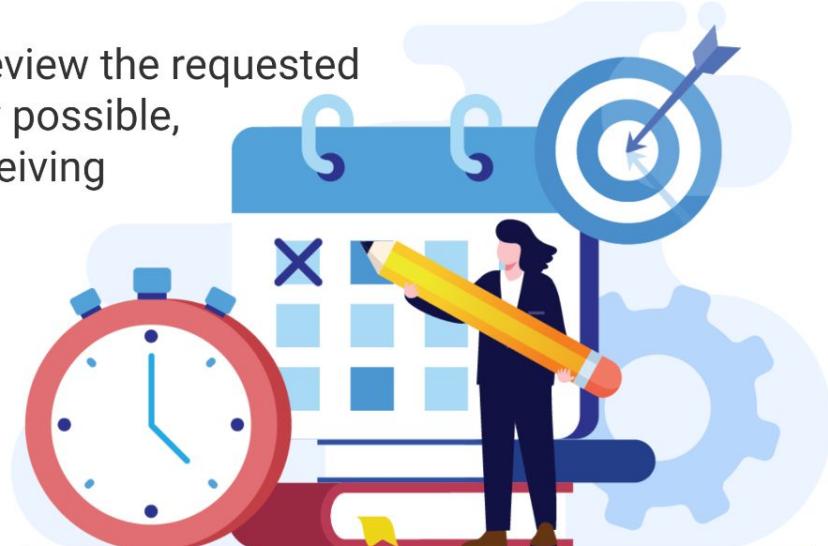
Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



- 1 Note the date received.
- 2 When you receive a GRAMA request make sure to document when you received the request.
- 3 The law requires a governmental entity to review the requested records and respond as soon as reasonably possible, but no later than 10 business days after receiving the request.
- 4
- 5
- 6 Documenting when you receive the request will help ensure you don't miss the required 10 business day deadline.



Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1

Is it in writing?

2

The person making the request shall make the request in writing. Written requests may be submitted in any format, as long as it is written.

3

Examples include:

4



Email

5



[GRAMA
Request Form](#)

6



[Open Records
Portal](#)



Handwritten
Letter



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Receiving a GRAMA Request

file:/// – To exit full screen, press Esc



Quiz



When receiving a GRAMA Request, determine the following:

1 Is it from a “person” (as defined in GRAMA) and not a governmental entity, and does it include name and contact info?

2

Under GRAMA, an individual means a human being ([63G-2-103\(15\)](#))

3

4

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6



Whereas a person means an individual, nonprofit, partnership, or other type of business organization ([63G-2-103\(19\)](#))



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Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1 Is it from a “person” (as defined in GRAMA) and not a governmental entity, and does it include name and contact info?

2

3

4

5

6

A person making a request shall provide in their written request:

- a. name,
- b. address,
- c. daytime phone number,
- d. email address (if the
(Scroll to view the entire list)



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63G-2-204(1)(a)

Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1 Is it from a “person” (as defined in GRAMA) and not a governmental entity, and does it include name and contact info?

2

3

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- d. email address (if the person is willing to accept email communications), and
- e. a description of the requested record(s)

(Scroll to view the entire list)



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63G-2-204(1)(a)

Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1 Is it from a “person” (as defined in GRAMA) and not a governmental entity, and does it include name and contact info?

2

If a record request is from a governmental entity, it is NOT a “GRAMA request,” it is a record sharing request.

3

4

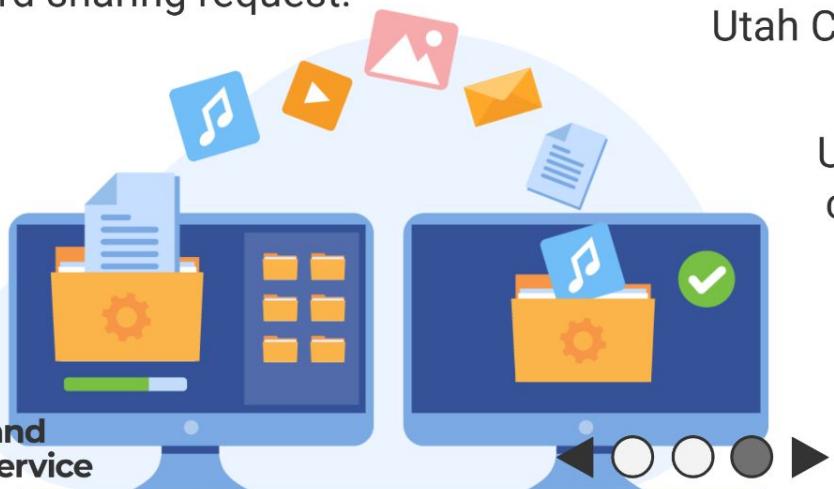
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6

Utah Code [63G-2-206](#) provides details about when and how to share records.

Utah Code [63G-2-204\(2\)](#) says an entity cannot provide to a requester a record that it received as a shared record.

We recommend establishing a [record sharing agreement](#) with an entity you share non-public records with.



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Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1

Was it received by the right governmental entity?

2

A person making a request shall submit the request to the governmental entity that prepares, owns, or retains the record ([63G-2-204\(1\)\(a\)](#)).

3

4

5

6



If the governmental entity does not maintain the requested records, the ARO should notify the requester that it does not maintain the record requested and provide, if known, the name and address of the governmental entity that does maintain the record ([63G-2-204\(4\)\(b\)\(iii\)](#)).



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Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1 Is the description of the record(s) reasonably specific?

2

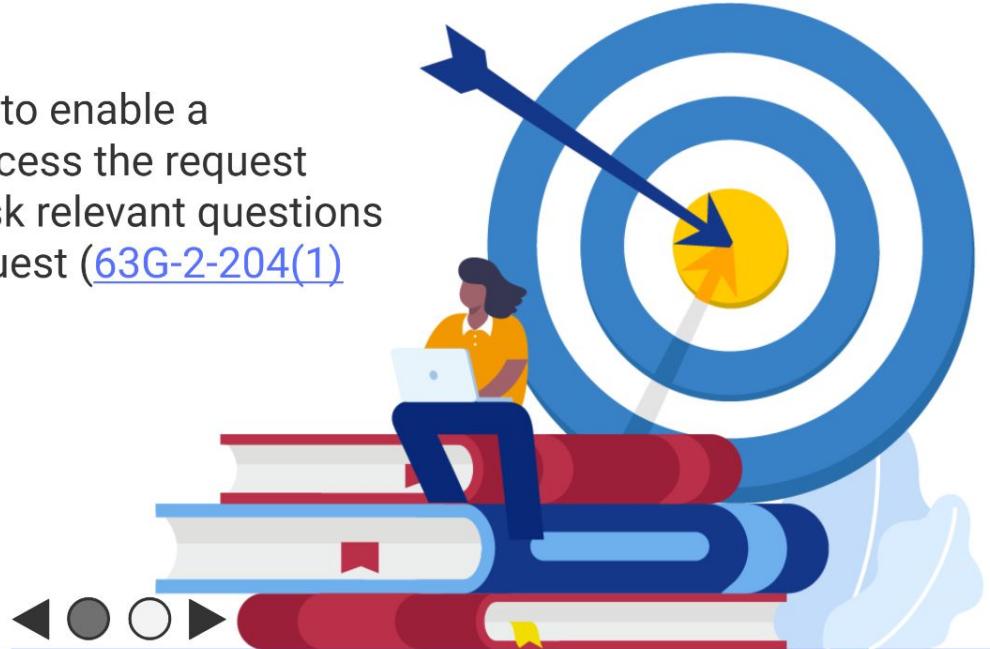
3

4

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6

A request must be specific enough to enable a governmental entity to begin to process the request and, if clarification is required, to ask relevant questions to understand the scope of the request ([63G-2-204\(1\)\(a\)\(ii\)](#)).



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Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Quiz



1 Is the description of the record(s) reasonably specific?

2

3

4

5

6



When you receive a request that is not reasonably specific, you should either:

- 1) Ask the requester to clarify by providing a more specific description of the record they are requesting,
- OR
- 2) Inform the requester that you cannot process their request because the description is not specific enough to identify what records are being sought.



Receiving a GRAMA Request

When receiving a GRAMA Request, determine the following:

Begin Quiz → 

1 Is it a subpoena and not a GRAMA request?

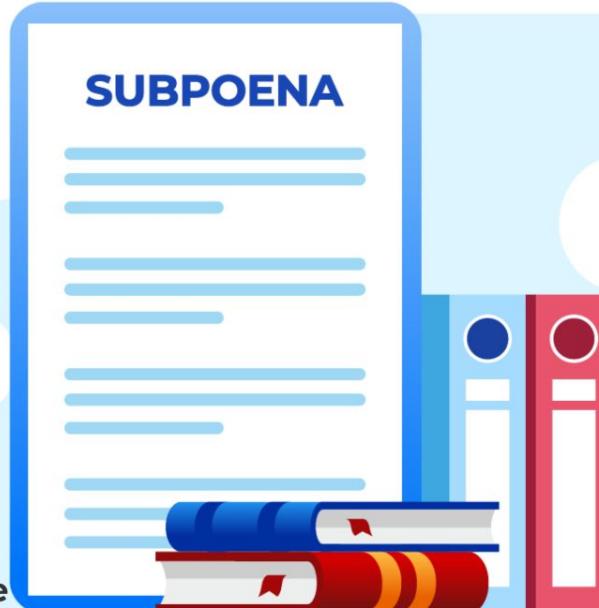
2

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Subpoenas, and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure "are not written requests under Section 63G-2-204," and therefore are not considered GRAMA requests ([63G-2-207\(1\)](#)).



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Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1

Understand what is required of you.

2

After receiving a request, the governmental entity shall respond as soon as reasonably possible, but no later than ten business days. The law outlines four possible responses:

3



Approve

4



Deny

5



Notify

6

1. Approve and provide records
2. Deny access to records in whole or part
3. Notify the requester that your governmental entity does not have the record
4. Notify the requester of extraordinary circumstance



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[63G-2-204\(4\)\(b\)](#)



Planning a Response

While planning your response to the GRAMA request, determine the following:

 Quiz

1

Understand what is required of you.

2



3

4

Frequently, more than one of these responses may apply to the same request.

5

Additional information around how to respond will be covered later in the course in **Responding to a GRAMA Request**.

6



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Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



- 1 Did the requester ask for an expedited response?
- 2 Review each request that seeks an expedited response:
 - a. The requester must demonstrate that the record request benefits the public rather than the person.
- 3
- 4
- 5
- 6

Note: Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person ([63G-2-204\(5\)](#)).



Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



- 1 Did the requester ask for an expedited response?
 - the public rather than a person
([63G-2-204\(5\)](#)).
 - b. The governmental entity should notify requester within 5 business days whether their response will be expedited or not.
 - c. If the governmental entity decides to provide an expedited response, they need to respond within 5 business days.
- 6 [63G-2-204\(4\)\(a\)](#)



Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1 How will records be gathered?

2

3

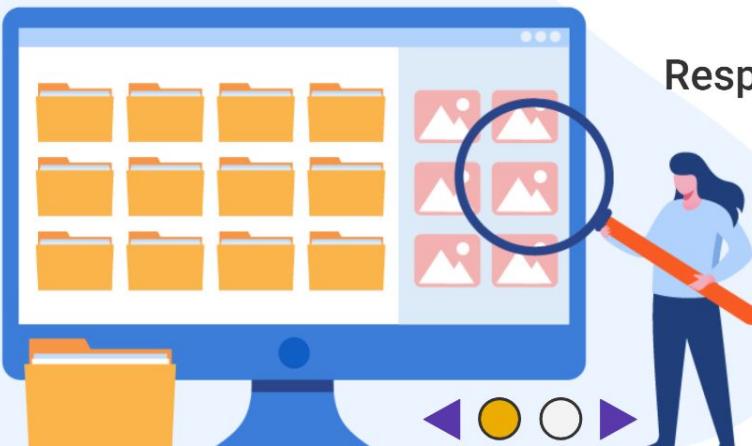
4

5

6

Assess the best way to identify and gather potential **responsive records**—or those records that seem to meet the description of the records sought by the requester.

Responsive records are those that are relevant to the request.



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Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1

How will records be gathered?

2

Possible strategies for gathering responsive records may include:

3

- Identify the people who may have responsive records
 - Ask them to provide them to you
 - Work with IT to get the records
- Identify the media formats of the records
 - (e.g., electronic, paper, microfilm, etc.)
- Identify the locations of the records
- Create a folder for the responsive records (and label accordingly)

4

5

6





Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1 Should the information be summarized or compiled in some way?

2 In response to a request, a governmental entity is NOT required to:

- Create a record
- Fulfill the request if it unreasonably duplicates a prior request from the same person
- Fill a request if the records are available (online) and the governmental entity specifies where they can be found
- Compile, format, manipulate, package, summarize, or tailor information
- Provide a record in a particular format, medium, or program not currently maintained





Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1 Should the information be summarized or compiled in some way?

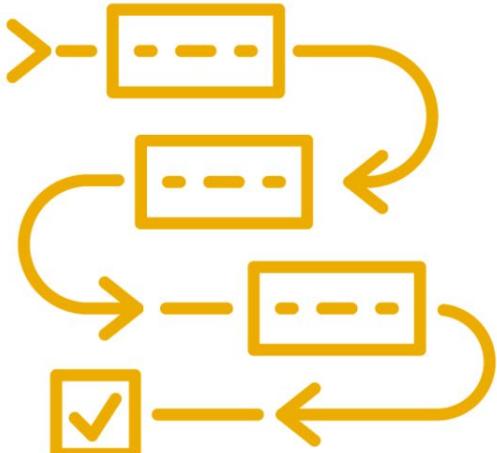
2

3

4

5

6



In determining how to fulfill a request, a governmental entity may consider whether they are able to fulfill the request without unreasonably interfering with normal duties/responsibilities and may require the requester to pay an appropriate fee for providing the record as requested ([63G-2-201\(8\)](#)).

Additional information regarding these fees will be covered later in this course in **Calculating the Cost**.



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Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



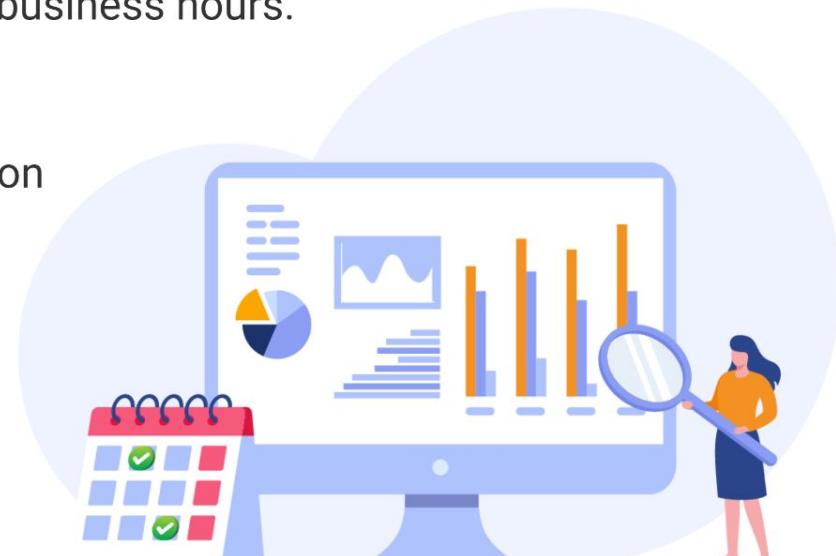
1 Did the requester ask to inspect the records on site?

[63G-2-201\(1\)](#)

2 Every person has the right to inspect a public record free of charge, and to take a copy of the record, during normal business hours.

3 But NOT if the record:

- Has already been provided to the person
- Is available online
- Is only accessible in a computer that also contains restricted information that cannot be segregated





Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4



5



6

1. Another entity is using the requested record

(5 additional business days)



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For additional information on Extraordinary Circumstances, please refer to: [63G-2-204\(6\) & \(7\)](#).



Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4

2. Requested record is being used for an audit

(when record becomes available)

5



6





Planning a Response

While planning your response to the GRAMA request, determine the following:

 Quiz

1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4



5



6

3. Voluminous request

Note: Disclose records as soon as reasonably possible. If you have some records already available, disclose them, and then estimate what time is needed to process the remaining records. You may also split up requests for multiple records into separate requests.



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For additional information on Extraordinary Circumstances, please refer to: [63G-2-204\(6\) & \(7\)](#).

Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1 Are there extraordinary circumstances?

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

4. Entity is processing numerous requests

Note: Disclose records as soon as reasonably possible. If you have some records already available, disclose them, and then estimate what time is needed to process the remaining records.





Planning a Response

While planning your response to the GRAMA request, determine the following:



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4



5

5. Requires review of a large number of records

6



Note: Disclose records as soon as reasonably possible. If you have some records already available, disclose them, and then estimate what time is needed to process the remaining records. You may also split up requests for multiple records into separate requests



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For additional information on Extraordinary Circumstances, please refer to: [63G-2-204\(6\) & \(7\)](#).



Planning a Response

While planning your response to the GRAMA request, determine the following:



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4

6. Requires legal counsel

(5 additional business days)

5



6





Planning a Response

While planning your response to the GRAMA request, determine the following:



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4

7. Requires extensive redacting

(5 additional business days)

5



6





Planning a Response

While planning your response to the GRAMA request, determine the following:

Quiz



1

Are there extraordinary circumstances?

2

The following circumstances constitute "extraordinary circumstances" that allow for an additional period of time for approval or denial:

3



4

8. Redactions require computer programming

(as soon as reasonably possible)

5



6





Calculating the Cost

When calculating any costs/fees, determine the following:



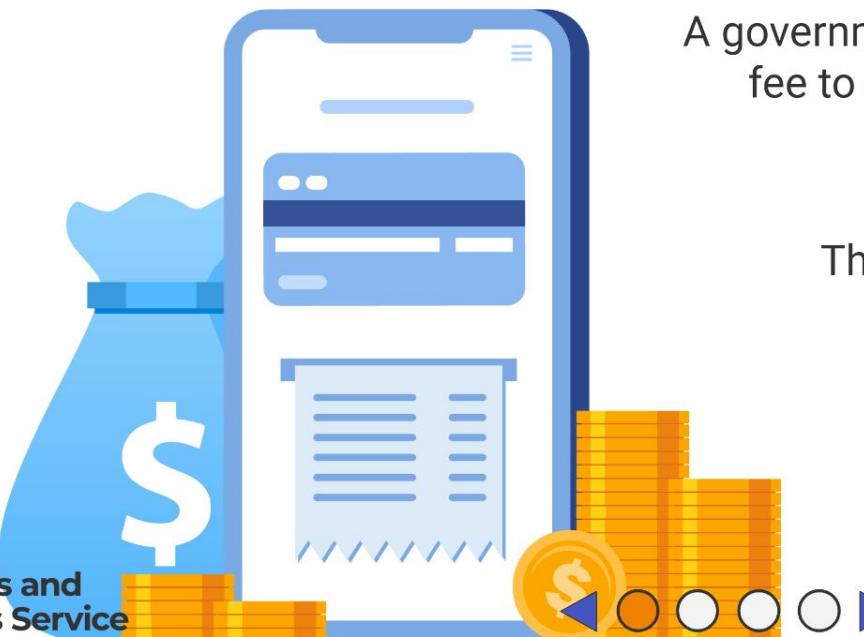
1

Can we charge a fee?

2

3

4



A governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.

The fee must be approved by the entity's executive officer.



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63G-2-203(1)



Calculating the Cost

When calculating any costs/fees, determine the following:



1

Can we charge a fee?

[63G-2-203\(2\)](#)

2

In order for a governmental entity to charge a fee for staff time spent searching, retrieving, or compiling records, one of the following must be true:

3

- A request specifies that the documents be compiled in a form other than that used by the agency and the requester consents to the fees;

OR

4

- The request requires the agency to extract materials from a larger source and it is not feasible to allow the requester to compile the records themselves.





Calculating the Cost

When calculating any costs/fees, determine the following:

Quiz



1

Can we charge a fee?

[63G-2-203\(2\)](#)

2

Please note: If a request does not specify that the records be compiled in a form other than that used by the agency, in order to charge a fee, the agency has the burden to show that it is impossible for the requester to obtain the records themselves and that compliance with the request requires the records be compiled in a form other than that maintained by the agency.

3

4

See: Graham v. Davis County Solid Waste Management and Energy Recovery Special Service District (1999)



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Calculating the Cost

When calculating any costs/fees, determine the following:

Quiz



1

Can we charge a fee?

2

A governmental entity may NOT charge a fee for:

3

- Reviewing a record
- First 15 minutes of staff time, unless the person who submits the request previously submitted a separate request within the 10-day period immediately preceding this request.

4



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63G-2-203(5)(b)



Calculating the Cost

When calculating any costs/fees, determine the following:

Quiz



1

What amount are we allowed to charge?

2

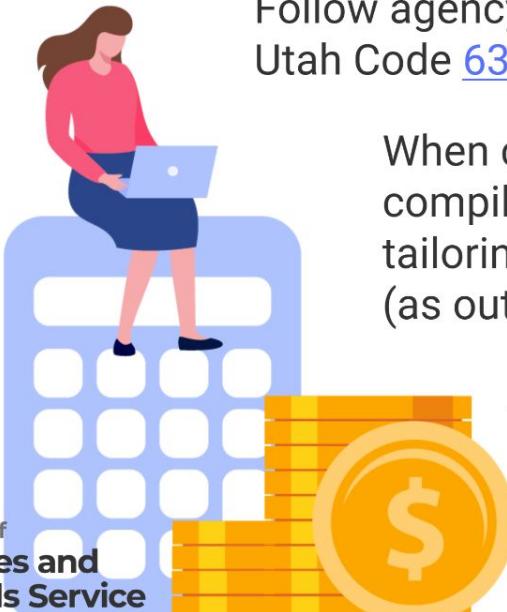
Follow agency-established fee schedules, approved in accordance with Utah Code [63G-2-203\(3\)](#).

3

When charging a fee for staff time spent searching, retrieving, compiling, formatting, manipulating, packaging, summarizing, or tailoring the record, or for the actual cost of computer output, (as outlined in [63G-2-203\(1\) & \(2\)](#)):

4

An hourly charge may not exceed the salary of the lowest paid employee who has the necessary skill and training to perform the request ([63G-2-203\(2\)\(b\)](#)).



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Calculating the Cost

When calculating any costs/fees, determine the following:

Quiz



1

Did the requester ask for a fee waiver, and if so, will it be granted?

2

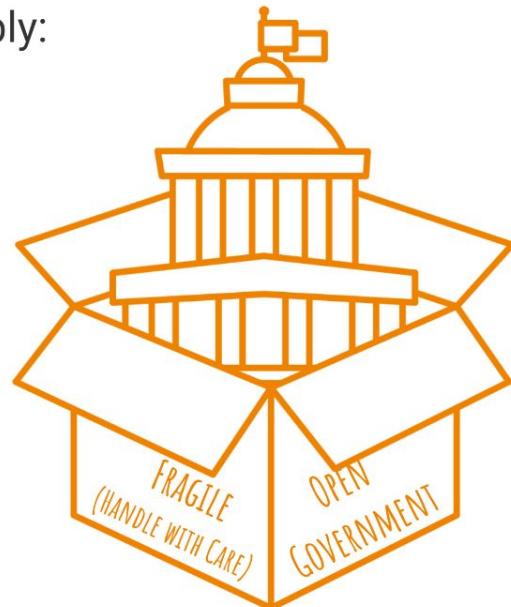
Fee waivers are encouraged when any of the following apply:

3

- Releasing the record benefits the public
- Requester is the subject of the record
- Requester is indigent and their legal rights are directly implicated in the record

4

[63G-2-203\(4\)](#)





Calculating the Cost

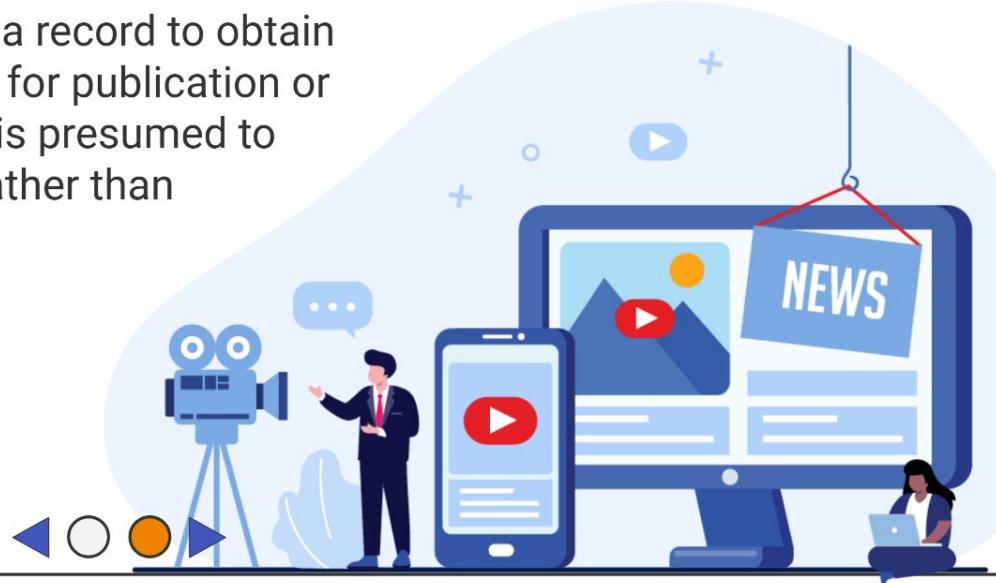
When calculating any costs/fees, determine the following:

Quiz



- 1 Did the requester ask for a fee waiver, and if so, will it be granted?
- 2
- 3
- 4

Note: Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person ([63G-2-204\(5\)](#)).





Calculating the Cost

When calculating any costs/fees, determine the following:



1

Will the requester need to prepay for the request?

2



3

Prepayment can be required when:

- Cost is expected to exceed \$50

OR

- Requester has not paid fees from previous requests

4

An invoice must be sent to the requester and any prepaid amount in excess of fees due shall be returned to the requester.



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63G-2-203(8)



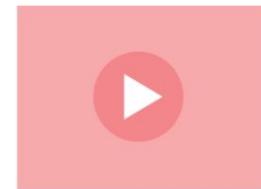
Identifying Responsive Records

When identifying responsive records, determine the following:



- 1
- 2
- 3
- 4

Is it a record?



Record means documentary material—regardless of physical form or characteristics:

- That is prepared, owned, received, or retained by a governmental entity; and
- Where all of the information in the original is reproducible



Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz



1

Is it a record?

2

Record does NOT mean:

3

- A personal note or communication
- A temporary draft or similar material
- Proprietary software
- Commercial mail or publications

4



- Material to which access is limited by



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Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz



1

Is it a record?

2

3

4



- Material to which access is limited by copyright or patent laws
- Junk mail or spam email
- And other items listed in Utah Code [63G-2-103\(25\)\(b\)](#)

In order to ensure you know exactly what would be considered a record and what would NOT, make sure to thoroughly review [63G-2-103\(25\)](#).



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Records Service**

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Identifying Responsive Records

When identifying responsive records, determine the following:

 Quiz

1

Is it a record?

2

In some instances, drafts MAY be considered public:

3

- Drafts that are circulated outside of the creating entity or group, effectively becoming public records ([63G-2-301\(3\)\(j\)](#)).
- Drafts that have not been finalized, but which were relied upon to carry out an action or policy ([63G-2-301\(3\)\(k\)](#)).
- Empirical data contained in drafts, if it isn't available elsewhere ([63G-2-301\(3\)\(i\)](#)).

4

Note: The governmental entity must be given a reasonable opportunity to correct errors and make non-substantive changes.



Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz

1 Was this a record received from another governmental entity through record sharing?

[63G-2-204\(2\)](#)

2 In response to a request for a record, a governmental entity may not provide a record that it has received as a shared record, under [63G-2-206](#).

3 Instead, the governmental entity shall:

1. Deny the records request; and
2. Inform the requester of the governmental entity from which the shared record was received.



Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz



1

Does the record involve security measures?

2

Records regarding security measures designed for the protection of persons or property are not subject to GRAMA.

3

4



This includes:

- a. Security plans
- b. Security codes and passwords
- c. Passes and keys
- d. Security procedures



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63G-2-106

Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz



1 Were responsive records destroyed according to an approved retention schedule?

2

3

4

Records must be maintained and destroyed according to approved retention schedules, per Utah Code [63G-2-604\(1\)](#).

It can be helpful to inform the requester of the retention schedule you used as authority to destroy the records.



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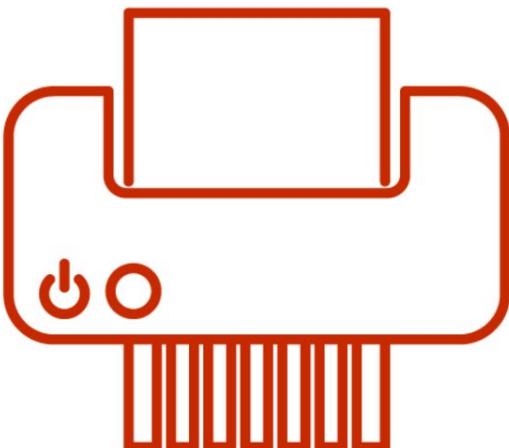
Identifying Responsive Records

When identifying responsive records, determine the following:

Quiz



- 1 Were responsive records destroyed according to an approved retention schedule?
- 2
- 3
- 4



If you were supposed to destroy the records prior to receiving the GRAMA request but haven't, you may not destroy them while the request or any subsequent appeal is pending. If you have them, they are responsive records.





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a public record?

2

The following are some examples of **public records**, except to the extent that they contain confidential information:

3

- Information about employees, including: name, gender, gross compensation, job title and description, business contact information, # of hours worked, dates of employment, relevant experience and previous employment, and education and other job qualifications ([63G-2-301\(2\)\(b\)](#))

4

5

6

- Minutes, recordings, transcripts of open public





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a public record?

qualifications ([63G-2-301\(2\)\(b\)](#))

2

- Minutes, recordings, transcripts of open public meetings ([63G-2-301\(2\)\(e\)](#))

3

4

5

6



- Documentation of compensation paid to a contractor or private provider ([63G-2-301\(2\)\(j\)](#))
- Voter registration records, including individual's voting history, except those parts or records that are classified as private



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a public record?

2



3

- Voter registration records, including individual's voting history, except those parts or records that are classified as private ([63G-2-301\(2\)\(l\)](#))

4

- Summary data ([63G-2-301\(2\)\(k\)](#))

5

This is not an exhaustive list. You should review [63G-2-301](#) in detail to ensure that you have a solid understanding of what constitutes a public record.

6



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a public record?

2

The following are records that are normally public, but may be exempt from disclosure:

3

4

5

6

POLICIES

- Administrative staff manuals and statements of policy ([63G-2-301\(3\)\(a\)](#))
- Contracts entered into by the governmental entity ([63G-2-301\(3\)\(d\)](#))
- Chronological logs and initial contact reports ([63G-2-301\(3\)\(a\)](#))

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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a public record?

2

- Records about formal charges or disciplinary actions against past or present employee if:

3

1) Disciplinary action has been completed and appeals times are past and

4

2) Charges upon which action was based
were sustained ([63G-2-301\(3\)\(o\)](#))

5

- Empirical data in drafts that is not
available elsewhere ([63G-2-301\(3\)\(i\)](#))

6



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Classifying Responsive Records

When classifying responsive records, determine the following:



1

Is it a public record?

2

- Drafts circulated to anyone other than:
a governmental entity, political subdivision,
contractor or private provider ([63G-2-301\(3\)\(j\)](#))

3

- Drafts that were relied upon to carry out an action or policy ([63G-2-301\(3\)\(k\)](#))

4

5 This is not an exhaustive list. You should review [63G-2-301](#) in detail to ensure that you have a solid understanding of what constitutes a public record.

6





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a private record?

2

The following records are private:

3

- Records concerning eligibility for unemployment, social services, or welfare benefits ([63G-2-302\(1\)\(a\)](#))

4

- Medical data such as diagnosis, treatment, and medical condition or evaluation ([63G-2-302\(1\)\(b\)](#))

5

- Records of publicly funded libraries, that identify a patron ([63G-2-302\(1\)\(c\)](#))

6

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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a private record?

- Employment records including: home address and phone number, social security number, marital status, payroll deductions and insurance coverage ([63G-2-302\(1\)\(g\)](#))
- Voter registration record identifying: driver license or SSN number, email address, date of birth ([63G-2-302\(1\)\(j\)](#))
- Voter registration record that is classified as private ([63G-2-302\(1\)\(k\)](#))



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a private record?

([63G-2-302\(1\)\(g\)](#))



2

- Voter registration record identifying:
driver license or SSN number, email address, date of birth ([63G-2-302\(1\)\(j\)](#))

3

- Voter registration record that is classified as private ([63G-2-302\(1\)\(k\)](#))

4

5 This is not an exhaustive list. You should review [63G-2-302](#) in detail to ensure that you have a solid understanding of what constitutes a private record.

6



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a private record?

2

The following records are private, if properly classified by a governmental entity:

3

- Records concerning a current or former employee or applicant including:

4

- Performance evaluations

5

- Personal status information such as:
race, religion, or disabilities
([63G-2-302\(2\)\(a\)](#))

6

- Records describing an individual's finances (with a few exceptions)





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



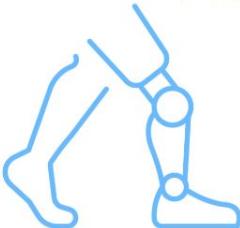
1

Is it a private record?

2

- Records describing an individual's finances (with a few exceptions)
([63G-2-302\(2\)\(b\)](#))

3



- Records containing data on individuals the disclosure of which would be a clearly unwarranted invasion of personal privacy ([63G-2-302\(2\)\(d\)](#))

4

5 This is not an exhaustive list. You should review [63G-2-302](#) in detail to ensure that you have a solid understanding of what constitutes a private record.

6



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a controlled record?

2

A record is controlled if:

- The record contains medical, psychiatric, or psychological data about an individual [\(63G-2-304\(1\)\)](#),

AND

- The governmental entity reasonably believes that [\(63G-2-304\(2\)\)](#):

- Releasing the record to the subject of the record would be detrimental to the subject's mental health or the safety of any individual
 - Release would be a violation of professional practice





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a protected record?

2

Records that are protected:

3

- Trade secrets if the person submitting the trade secret has provided a confidentiality agreement ([63G-2-305\(1\)](#))

4



- Commercial or non-individual financial information ([63G-2-305\(2\)](#))

5

- Records that would impair procurement proceedings, except after the contract has been awarded and signed ([63G-2-305\(6\)](#))

6

- Records created/maintained for enforcement purposes, which if released would





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a protected record?

- Records created/maintained for enforcement purposes, which if released would [\(63G-2-305\(10\)\)](#):
 - Interfere with investigations undertaken,
 - Interfere with disciplinary or enforcement proceedings,
 - Deprive a person of a right to a fair trial,
 - Disclose the identity of a source not known outside of government,





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a protected record?

2

- Disclose investigative techniques

3

- Records subject to attorney client privilege ([63G-2-305\(17\)](#))

4

- Records prepared in anticipation of litigation or quasi-judicial proceedings ([63G-2-305\(18\)](#))

5

- Drafts, unless classified as public ([63G-2-305\(22\)](#))

6

- Minutes, transcripts, recordings, and reports of the closed portion of a public





Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a protected record?

2

- Minutes, transcripts, recordings, and reports of the closed portion of a public meeting ([63G-2-305\(32\)](#))

3

- Unless otherwise public, an individual's home address and telephone number if ([63G-2-305\(51\)](#)):

4

- The individual was required to provide it in order to comply with a law or ordinance
 - The individual has a reasonable

5



6

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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1

Is it a protected record?

2

3

4

5

6



- The individual was required to provide it in order to comply with a law or ordinance
- The individual has a reasonable expectation of confidentiality

This is not an exhaustive list. You should review [63G-2-305](#) in detail to ensure that you have a solid understanding of what constitutes a protected record.



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Classifying Responsive Records

When classifying responsive records, determine the following:

Quiz



1 Is access governed by another statute?

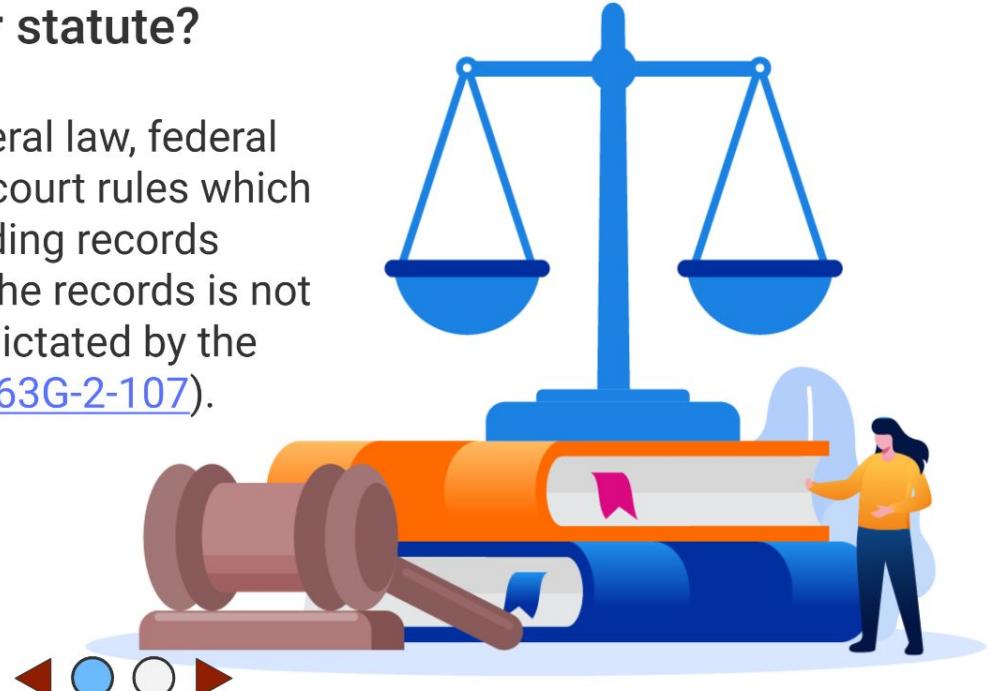
2 Some records are governed by federal law, federal regulation, other state statutes, or court rules which have their own requirements regarding records access. In those cases, access to the records is not governed by GRAMA; it should be dictated by the other applicable law or regulation ([63G-2-107](#)).

3

4

5

6



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Classifying Responsive Records

Quiz



When classifying responsive records, determine the following:

1

Is access governed by another statute?

2

Two common examples:

3

4

5

6



FERPA

Family Educational
Rights & Privacy Act

Student education records are
governed by:

[34 C.F.R. Part 99](#)



Individually identifiable health
information is often governed by:

[45 C.F.R., Parts 160 and 164](#)



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Classifying Responsive Records

When classifying responsive records, determine the following:



1 What if more than one classification could apply to the record?

2

3

4

5

6



Nothing in [63G-2-302\(2\)](#), [63G-2-304](#), or [63G-2-305](#) requires a record to be classified as private, controlled, or protected.

In other words, there are times when you will need to use your best judgment to decide which classification to apply.



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Classifying Responsive Records

When classifying responsive records, determine the following:



1 What if more than one classification could apply to the record?

2 The law requires governmental entities to classify the record by “considering the nature of the interests intended to be protected and the specificity of the competing provisions.”

3

4

5

6

- What interests would you be protecting by restricting access?
- Which possible classification applies most specifically to the record in question, is stated most specifically in statute?





Responding to a GRAMA Request

When getting ready to respond to a GRAMA request, consider the following:



1

Determine how you will respond.

[63G-2-204\(4\)\(b\)](#)

2

After receiving a request, the governmental entity shall respond as soon as reasonably possible, but no later than ten business days. The law outlines four possible responses:

3



Approve

1. Approve the request and provide the records.

4



Deny

1. Approve the request and provide the records.

5



Notify



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Responding to a GRAMA Request

When getting ready to respond to a GRAMA request, consider the following:



1

Determine how you will respond.

[63G-2-204\(4\)\(b\)](#)

2

After receiving a request, the governmental entity shall respond as soon as reasonably possible, but no later than ten business days. The law outlines four possible responses:

3



Approve

4



Deny

5



Notify

2. Deny access to the records in whole or in part.

i. If a restricted classification applies to all or part of the records the governmental entity should provide a notice of denial for the restricted portions.



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Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Determine how you will respond.

[63G-2-204\(4\)\(b\)](#)

2

After receiving a request, the governmental entity shall respond as soon as reasonably possible, but no later than ten business days. The law outlines four possible responses:

3



Approve

4



Deny

5



Notify

3. **Notify** the requester that the governmental entity does not have the record.

i. If the governmental entity does not maintain the requested records, it should so notify the requester and also, if relevant, provide a reference about where the records can be obtained.

4. Notify the requester of **extraordinary circumstances**.

i. If any extraordinary circumstances exist which will require more than ten days to respond or provide the records, the governmental entity should notify the requester.



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Responding to a GRAMA Request

Quiz



When getting ready to respond to a GRAMA request, consider the following:

- 1 Make appropriate redactions.
- 2 A governmental entity may not disclose a private, controlled, or protected record except as outlined in [\(63G-2-201\(5\)\)](#).
- 3 When a record contains both public and restricted information, government **SHALL** allow access to the public information and deny access to the remaining information [\(63G-2-308\)](#).
- 4
- 5



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Responding to a GRAMA Request

When getting ready to respond to a GRAMA request, consider the following:



1

Make appropriate redactions.

2

3

4

5



If a record has both public information and non-public information, you will need to segregate the two by redacting non-public information from the copy of the record that you provide. Time spent redacting records can be considered a direct administrative cost.





Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Provide access to public records.

[63G-2-201\(12\) & \(13\)](#)

2

The format that a record is in is not a reason to deny a request or hinder a person from inspecting a record.

3

A governmental entity must provide an electronic copy of a record if:

- The requester states a preference **AND**
- The record is maintained in electronic format **AND**
- Restricted records may be segregated in the electronic copy





Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

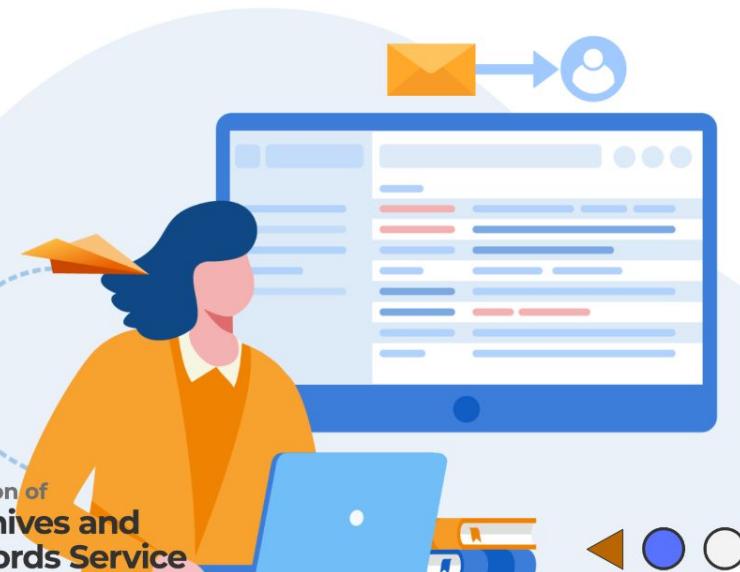
Deny or provide appropriate access to restricted records.

2

3

4

5



A notice of denial should include:

- a. A description of the record(s) being denied
- b. The legal citation that supports the denial
- c. A statement of the requester's right to appeal
- d. Contact information for the Chief Administrative Officer (CAO)



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63G-2-205



Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Deny or provide appropriate access to restricted records.

2

Before releasing a restricted record, the government shall obtain evidence of the requester's identity ([63G-2-202\(6\)](#)).

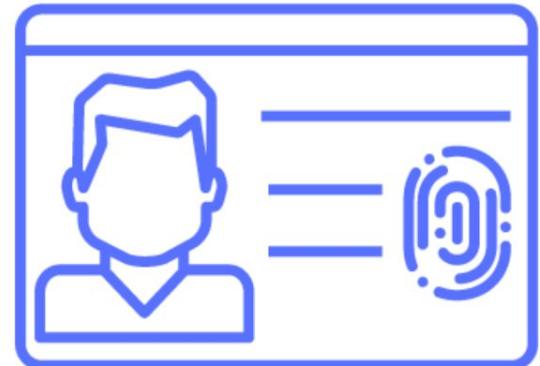
3

If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject must be segregated from the portion that the requester is entitled to inspect ([63G-2-202\(3\)](#)).

4

Restricted records may be disclosed to another governmental entity under the sharing records provision which will be discussed later ([63G-2-202\(5\)](#)).

5





Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Deny or provide appropriate access to restricted records.

2



3

Private records are available to:

- The subject of the record
- Parent or guardian of a subject who is a minor
- Guardian of an incapacitated adult
- Someone with a notarized release of power of attorney

4

5



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63G-2-202(1)



Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Deny or provide appropriate access to restricted records.

2

Controlled records are available to:

3

- A physician, physician's assistant, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of a release from the subject of the records, and a signed acknowledgment of the terms of disclosure of the information ([63G-2-202\(2\)](#)).

4

- A person who receives a controlled record from a governmental entity may not disclose the record to any person, including the subject of the record ([63G-2-202\(2\)](#)).

5





Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

1

Deny or provide appropriate access to restricted records.

2

Protected Records are available to:

- The person who provided the records
- Someone with power of attorney or notarized release from protected interests

3

[63G-2-202\(4\)](#)

4

5





Responding to a GRAMA Request



When getting ready to respond to a GRAMA request, consider the following:

- 1 If you don't have the record, inform the requester that no responsive records are available.
- 2 If the records don't exist because they were never created, or because they were properly destroyed per a retention schedule, tell the requester:
 - There are no responsive records, or no records that meet their description
 - If they were destroyed, what retention schedule gave you authority to destroy them
 - That they may appeal to the Chief Administrative Officer if they can provide evidence that the records do, or should, exist
- 3
- 4
- 5



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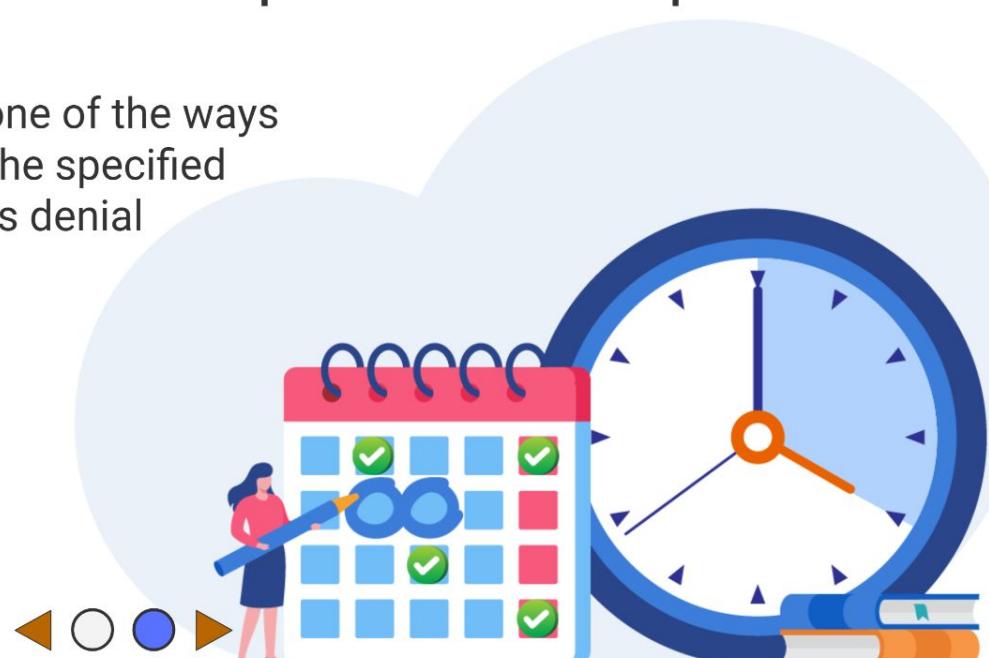


Responding to a GRAMA Request

When getting ready to respond to a GRAMA request, consider the following:



- 1 If you don't have the record, inform the requester that no responsive records are available.
- 2 Please note: Failure to respond in one of the ways outlined in [63G-2-204\(4\)\(b\)](#) within the specified time period is considered an access denial and may be appealed to the Chief Administrative Officer.
- 3 [63G-2-204\(9\)](#)
- 4
- 5





Completing the Process

After completing the GRAMA process, keep the following in mind:



- 1 Maintain the request and response according to approved retention schedules.
- 2 Keep a copy of the GRAMA request and your response, as well as any subsequent appeals and responses, for 2 years after the deadline for any possible appeal has passed.
- 3
- 4
- 5
- 6

Records access requests and appeals (GRS-1711)

Description

These records are access requests as provided under the Government Records Access and Management Act (GRAMA) (Utah Code 63G-2-204(2011)) or in accordance with a subpoena. Included with the access requests are any notices of denial, appeals or any other records related to the request.

Retention and Disposition

Retain for 2 years after final action, and then destroy records.

[GRS-1711](#)



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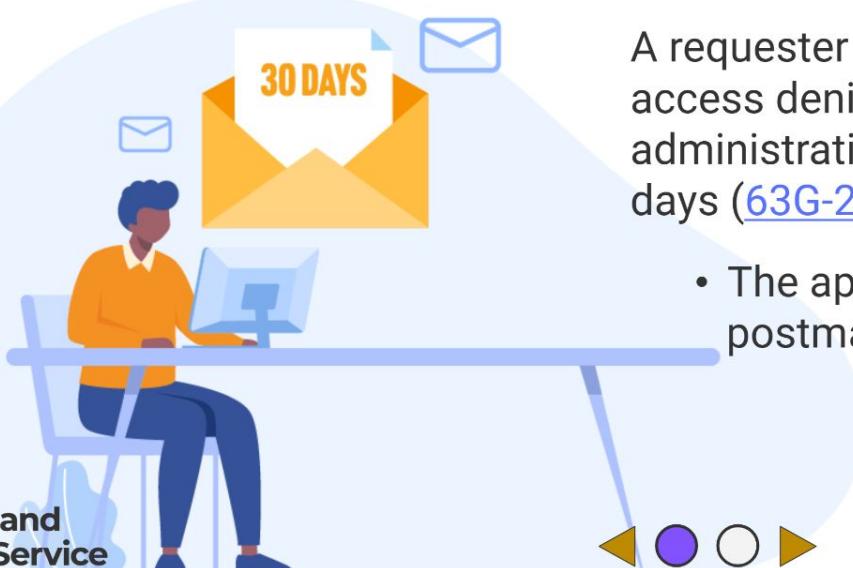
Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



- 1 If a request is denied and the requester is not satisfied, requesters can appeal to the Chief Administrative Officer (CAO).



A requester or interested party may appeal an access denial to the governmental entity's chief administrative officer (or designee) within 30 days ([63G-2-401\(1\)](#)).

- The appeal should be dated and postmarked within 30 days of the denial.



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Completing the Process

Quiz



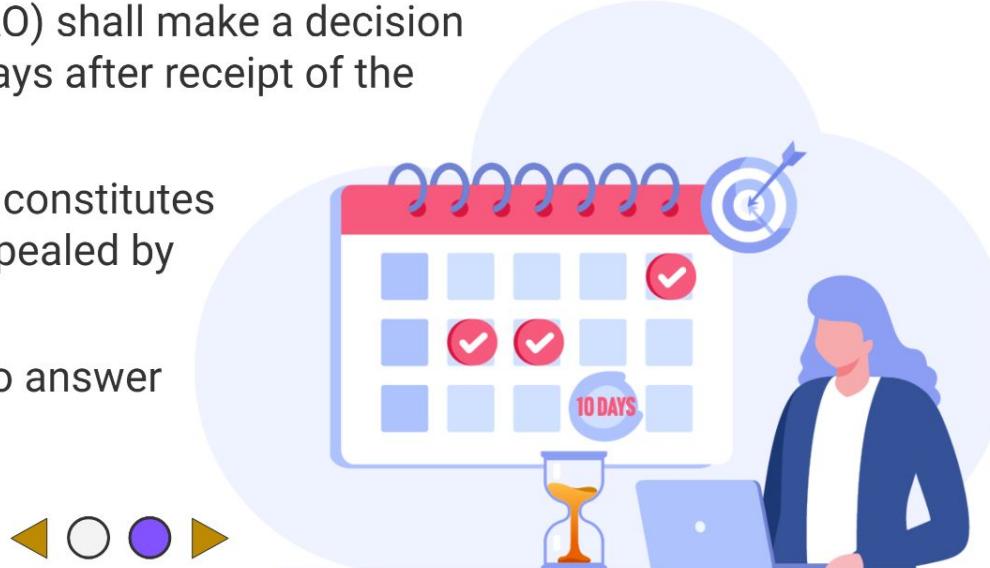
After completing the GRAMA process, keep the following in mind:

1 If a request is denied and the requester is not satisfied, requesters can appeal to the Chief Administrative Officer (CAO).

2 The chief administrative officer (CAO) shall make a decision on the appeal within 10 business days after receipt of the appeal ([63G-2-401\(5\)](#)).

- 3
- 4
- 5
- 6
- Failure by the CAO to respond constitutes a denial and can be further appealed by the requester.

The CAO can designate someone to answer GRAMA appeals ([63G-2-401\(9\)](#)).



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Completing the Process

Quiz



After completing the GRAMA process, keep the following in mind:

- 1 If the CAO denies the request and the requester is still not satisfied, requesters can appeal to the Government Records Office (GRO), or a local appeals board, if one exists.
- 2
- 3 A requester or interested party may appeal a CAO denial to the [Government Records Office](#) (GRO) within 30 days.
- 4
- 5
- 6



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Completing the Process

After completing the GRAMA process, keep the following in mind:



- 1 If the CAO denies the request and the requester is still not satisfied, requesters can appeal to the Government Records Office (GRO), or a local appeals board, if one exists.
- 2 The Government Records Office shall make a decision on the appeal within 7 business days after receipt of appeal.
- 3
- 4
- 5
- 6



- The director of the GRO reviews the appeal and either schedules a hearing or sends a letter to the requester denying a hearing.
- Denial can be due to lack of jurisdiction, sufficient evidence was not provided that records exist, or the director has previously made a determination regarding the record series in question.
- As with the previous responses, the requester or interested party may further appeal to the district court.



Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



- 1 Communicate with the CAO regarding appeals made to the GRO, as needed.

2

3

4

5

6

There are several deadlines to keep track of during the appeal process

30 Days Before

1 Week Before

5 Days Before

5 Days Before

7 Days After

30 Days After

30 Days Before

Appeals need to be sent to the director within 30 days of the CAO denial.



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Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz

- 1 Communicate with the CAO regarding appeals made to the GRO, as needed.
- 2
- 3
- 4
- 5
- 6

There are several deadlines to keep track of during the appeal process

1 Week Before

The week before the hearing, you'll get the agenda.

Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



- 1 Communicate with the CAO regarding appeals made to the GRO, as needed.

2

3

4

5

6

There are several deadlines to keep track of during the appeal process

30 Days Before
1 Week Before

5 Days Before

5 Days Before

7 Days After

30 Days After

5 Days Before

5 business days before the meeting, the director needs your statement of facts explaining your decisions.



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Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



- 1 Communicate with the CAO regarding appeals made to the GRO, as needed.

2

3

4

5

6

There are several deadlines to keep track of during the appeal process

30 Days Before

1 Week Before

5 Days Before

5 Days Before

7 Days After

30 Days After

5 Days Before

You and the requester can work together in mediation, but a request to postpone or withdraw the appeal needs to be submitted at least 5 days before the hearing.



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Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



1 Communicate with the CAO regarding appeals made to the GRO, as needed.

2

3

4

5

6

There are several deadlines to keep track of during the appeal process

30 Days Before

1 Week Before

5 Days Before

5 Days Before

7 Days After

30 Days After

7 Business Days After

You'll know what the director decides at the hearing, but orders will be distributed afterward.

- The deadline for the director to send you the order is 7 business days after the meeting. The orders are later posted to the [Government Records Office website](#).



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Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



- 1 Communicate with the CAO regarding appeals made to the GRO, as needed.

2

3

4

5

6

There are several deadlines to keep track of during the appeal process

30 Days Before

1 Week Before

5 Days Before

5 Days Before

7 Days After

30 Days After

30 Days After

You have 30 days from the date of the order to send a [notice of compliance](#) to the Government Records Office, or appeal to the district court.



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Completing the Process

After completing the GRAMA process, keep the following in mind:



- 1 Prepare your agency for the appeals hearing.
- 2 When it comes to the appeals hearing, here are some important notes:
 - When you have questions, contact the [Government Records Office](#) or [Government Records Ombudsman](#)
 - You can resolve as much of the appeal as possible before the hearing with the requester and the Ombudsman
 - When it's your turn to speak, address the director, not the requester
- 3
- 4
- 5
- 6





Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



1

Prepare your agency for the appeals hearing.

2

requester

3

- At the hearing, each side gets time to present and make closing statements. You may bring witnesses.

4

- It's a good idea to have the following people in attendance for any questions that the director may have:

5

- Records officer.

6

- Someone familiar with the requested records and the search conducted



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Completing the Process

After completing the GRAMA process, keep the following in mind:

Quiz



1

Government Records Office Director

2

The director is responsible for hearing appeals of records access denials and making determinations about whether a governmental entity's denial was appropriate. For more information about the office, you may review [63A-12-202](#) and [63A-12-203](#).

3

4

5

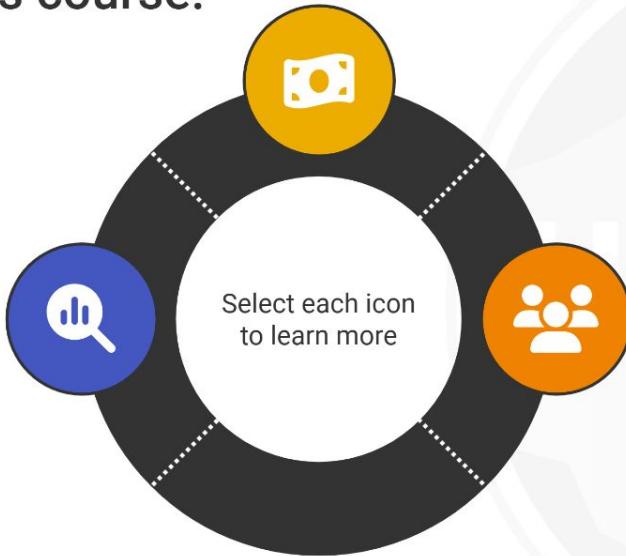
6



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Review

Before wrapping up, let's take a quick moment to review what we have covered in this course.



Receive, analyze, plan a response to, and respond to a GRAMA request

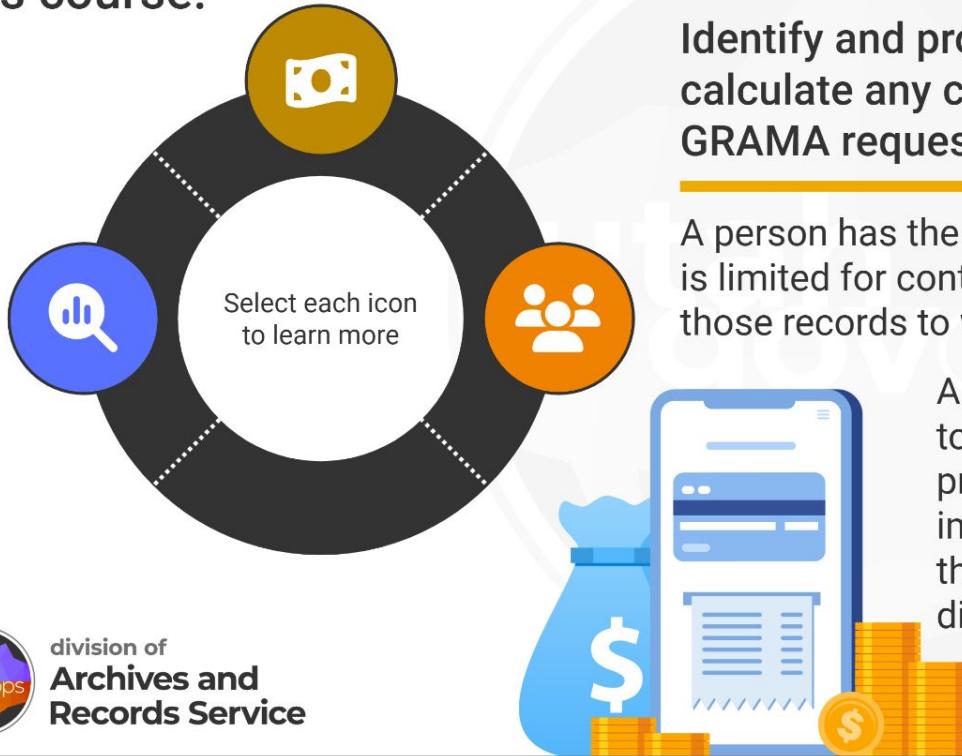
The law requires a governmental entity to review the requested records and respond as soon as reasonably possible, but no later than 10 business days after receiving the request. The law outlines four possible responses:

1. Approve and provide records
2. Deny access to records in whole or part
3. Notify the requester that your governmental entity does not have the record
4. Notify requester of extraordinary circumstance



Review

Before wrapping up, let's take a quick moment to review what we have covered in this course.



Identify and properly classify responsive records, and calculate any costs that may be associated with the GRAMA request

A person has the right to inspect a public record. However, access is limited for controlled, private, and protected records, and for those records to which access is limited by another statute.

A governmental entity may charge a reasonable fee to cover the governmental entity's "actual cost" of providing a record, or for staff time IF it is impossible for the requester to obtain the records themselves and the records must be compiled in a different form in order to provide them.

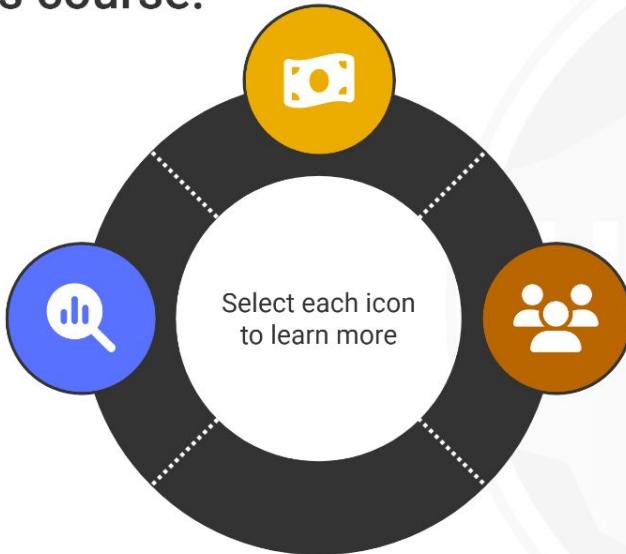


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Review

Before wrapping up, let's take a quick moment to review what we have covered in this course.



Work through the process for responding to the appeal of a denied GRAMA request

If a request is denied (or ignored) and the requester is not satisfied, requesters can appeal to the Chief Administrative Officer (CAO).

If the CAO denies the request and the requester is still not satisfied, requesters can appeal to the Government Records Office (GRO), or a local appeals board, if one exists.

Make sure you are familiar with the appeals process.



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Final Message & Getting Help



What you do is important! And we know it is not easy.

Hopefully this certification course has helped you feel more confident in your ability to navigate and interpret the law, and to defend your interpretation of it.

Getting Help

If you need assistance with a GRAMA request, please contact the Government Records Ombudsman, [Monica Minaya](#).

You can find answers to commonly asked questions on our [FAQs page](#).

Feel free to [Contact Us](#) with any other questions!



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