



division of
**Archives and
Records Service**

**Report of the Government Records Office
to the
Government Operations Interim Committee
2025**

Overview

Purpose: The Government Records Office (“Office”) was created in 2025 pursuant to S.B. 277 (2025 General Session). Under Utah Code § 63A-12-202(6) the Office is required to provide an annual report to the Government Operations Interim Committee on “the work performed by the Office during the previous year, that includes: (a) metrics on the standardization and efficiency of processing appeals; and (b) the effective implementation of the records ombudsman’s role.”

Although the Office only came into being shortly before the end of FY2025, this report provides information regarding the Government Records Ombudsman’s performance during the previous fiscal year, as well as a “snapshot” of the Office’s caseload at the time of its creation. This information should provide a reference point for future reports. This report also provides a preview of the Office’s actions and performance to date.

Office Overview: The Government Records Office is part of the Division of Archives and Records Service (DARS) and consists of the Director, Lonny Pehrson; the Government Records Ombudsman, Monica Minaya; and the Executive Secretary, Rebekkah Shaw. The Office’s mandate is to be a resource to citizens and government entities in relation to government records, including: ensuring lawful access to records; ensuring the lawful restriction of access to records; classification of records; retention of records; and resolving records disputes informally, via informal mediation, or via the records appeal process.

Director Pehrson was confirmed by the Senate on June 9, 2025, and started in his position on June 23, 2025. The Director’s responsibilities include: supervising and managing the Office; appointing and supervising a government records ombudsman; administering the records appeal process; hearing appeals regarding records access determinations and fee disputes under the Government Records Access and Management Act (GRAMA); and determining disputes submitted by the state auditor under Utah Code § 67-3-1(17)(d).

Upon taking office, Director Pehrson elected to retain Ms. Minaya as Government Records Ombudsman and Ms. Shaw (formerly the State Records Committee Executive Secretary) as Executive Secretary. Their talent and expertise have been critical to getting the Office up and running quickly and efficiently.

Government Records Office Transition and Caseload

Transition Process: Pursuant to S.B. 277, all appeals pending before the State Records Committee as of May 7, 2025, were automatically transferred to the Government Records Office. Shortly after taking office on June 23rd, the Director contacted the petitioner for each pending appeal to confirm their intention to proceed with their appeal.

Under Utah Code § 63A-12-203(5) & (6), the Director was given authority to make administrative rules to govern Office procedures and appeal proceedings. The Director was also authorized to continue utilizing the existing rules of the SRC “to the extent practicable” until new rules could be implemented in accordance with the Utah Administrative Rulemaking Act. In consultation with the Governor’s Office and the Executive Director of the Department of Government Operations (GovOps), the Government Records Office has drafted updated administrative rules to govern its operations. Those rules are currently under review by the Office of Administrative Rules and are anticipated to be published for public comment shortly.

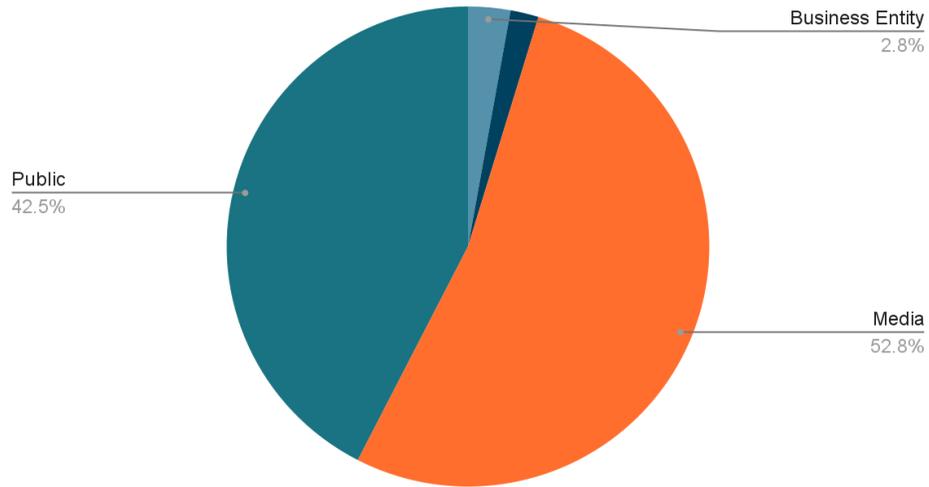
Also in consultation with GovOps, and as authorized under Utah Code § 63A-12-203(2)(c), the Director has designated Micah Vorwaller with the Office of Data Privacy to hear and decide appeals in which the Director has a conflict of interest. To date, Mr. Vorwaller has been designated to hear five appeals.

Director Caseload: As of the start of FY2026, 102 appeals were pending before the Office. The Director immediately began reviewing appeals and scheduling hearings. Appeals were typically prioritized for hearing based on the number of days pending; however, parties were invited to request an expedited hearing for good cause.

The Director held his first hearings on July 22, 2025, and is currently striving to conduct hearings once per week. As of September 19th, the Director has conducted hearings and issued decisions on 18 appeals. An additional 42 appeals have either been withdrawn or resolved by other means, while 64 new appeals have been submitted. As of the date of this report, 72 appeals are pending before the Director, and 14 additional appeals are suspended due to ongoing court cases.

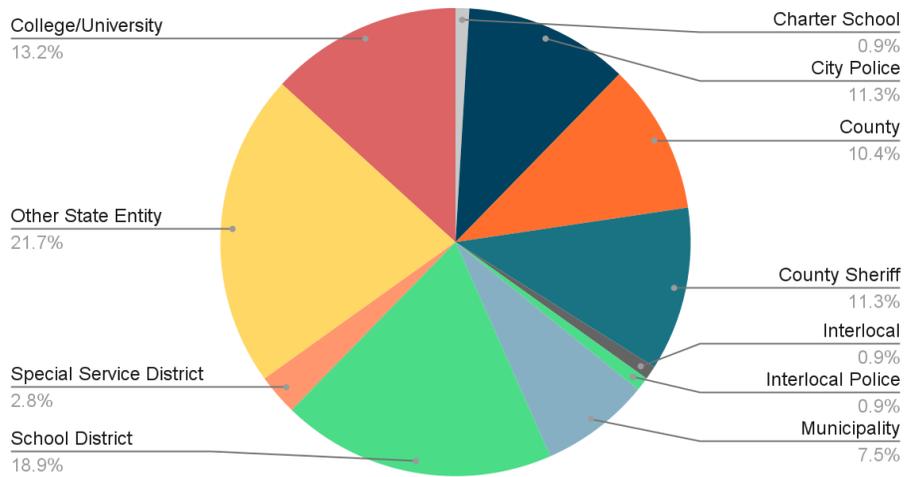
The tables below break down the 102 appeals that were transferred from the SRC to the Director by the type of petitioner or respondent and the nature of the issues on appeal. This data is for the period ending June 30, 2025.

Petitioner Type

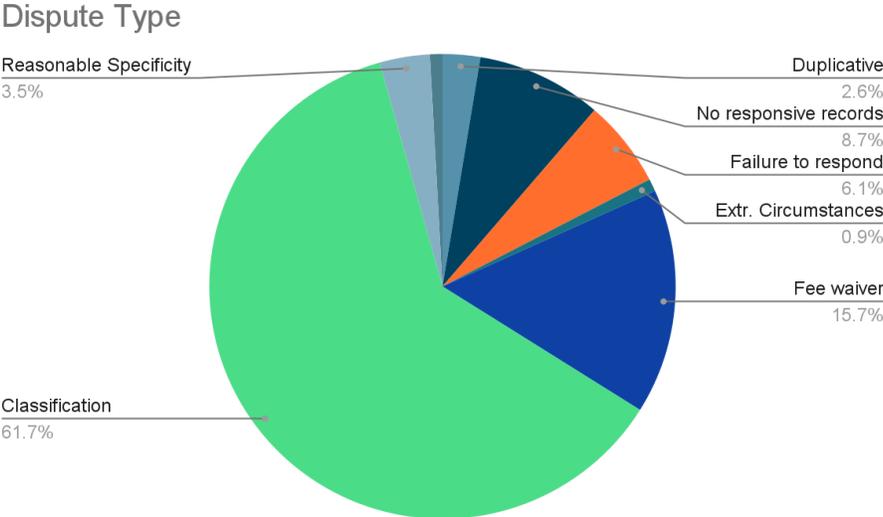


There were 56 from the media, 42 from the public, 1 inmate appeal, and 3 from business entities.

Respondents



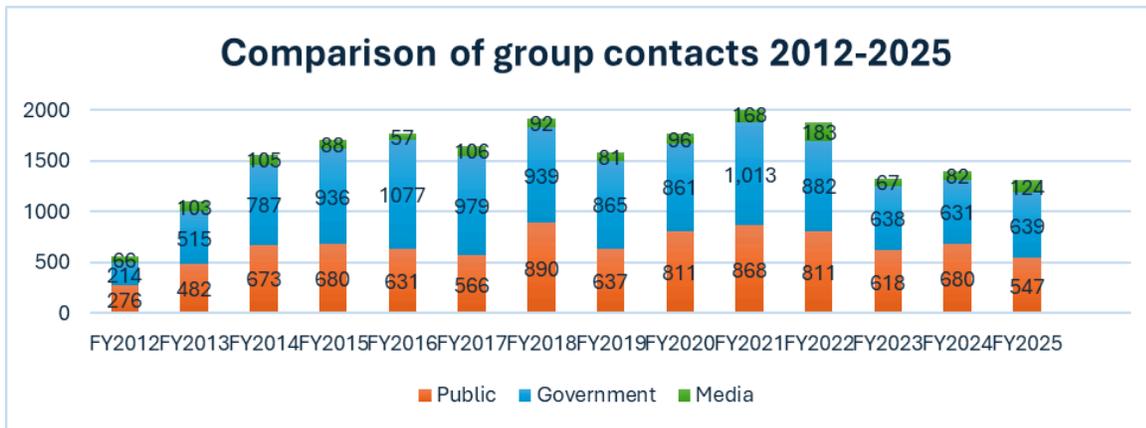
It is common for appeals to have more than one dispute at issue, such as a fee waiver and the restricted classification. This means the table below has more than 102 entries, but covers all of the disputes in broad categories.



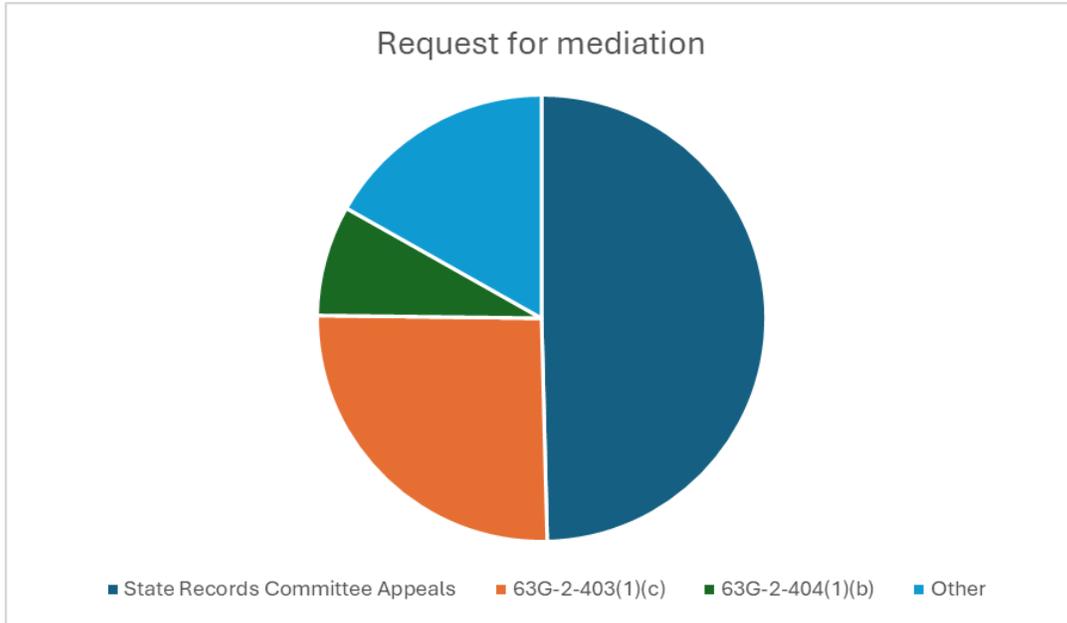
Government Records Ombudsman Program

Overview: The role of the Government Records Ombudsman is to be familiar with the provisions of GRAMA and act as a resource for the public, local government, and state record officers. The Ombudsman provides resources to individuals making a records request or filing an appeal related to a records request, as well as to governmental entities responding to a records request. The Ombudsman also offers mediation services to requesters and responders when disputes arise during the records request process.

Consultations: From the time the Ombudsman position was created, the number of people who contact the Ombudsman for assistance has remained high among all contact groups. This shows the value of the Ombudsman position to the public, government, and media. During FY2025, the Ombudsman provided 1,309 consultations across all contact groups. Figure 1. shows trends in contacts over the years since the Ombudsman position was created through the current fiscal year.



Mediations: During FY2025, the Ombudsman conducted 126 mediations. Pursuant to a statutory change that took effect on May 1, 2024, requesters were allowed to toll their time to appeal to the State Records Committee or District Court by seeking mediation prior to filing their appeal. These “pre-appeal” mediations were added to the Ombudsman’s tracking to help evaluate the success of this provision. The table below shows at what point in the GRAMA process mediation was requested and illustrates that a significant number of requesters took advantage of the new procedure.



<p>§63G-2-403(1)(c) Petitioners can request mediation to toll their time to appeal to the Government Record’s Office.</p>	<p>7 ongoing, 6 resolved, 15 lacked consent, and 4 concluded. Of the four that were concluded only two proceeded to the Government Record Office.</p>
<p>§63G-2-404(1)(b) Petitioners can request mediation after a CAO appeal or GRO decision to toll their time to appeal to District Court.</p>	<p>4 ongoing, 1 resolved, 4 lacked consent, and 1 concluded. The one that was concluded did not proceed with the District Court. Two of the requests were outcomes from SRC orders.</p>

Additional Activities: The Ombudsman and Executive Secretary oversee Record Access 101 training. Between them, they taught 7 training sessions, both virtual and in person, with an estimated 400 attendees for the fiscal year.

Recommendations

The Office has identified several areas where legislative action could help streamline or improve its operations, including:

- Expanding the Director's authority under Utah Code § 63G-2-403(4) to decline to schedule a hearing to situations where the governmental entity has responded that no records exist or that all records have been provided and the petitioner has failed to meet its burden under Utah Administrative Rule R35-2-2(2) of showing that "the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or has not sufficiently or has improperly searched for the record."
- Explore modifying the deadline for a governmental entity to submit a statement of facts under Utah Code § 63G-2-403(5)(a) to allow the Director sufficient time to review materials prior to a hearing. This will provide more flexibility in scheduling hearings and allow for more frequent hearings.
- Transferring rulemaking authority for the Ombudsman from the State Archivist under Utah Code § 63A-12-104 to the Government Records Office Director under Utah Code § 63A-12-203, consistent with the transfer of supervisory responsibility over the Ombudsman to the Director.