

CHAPTER 9
RECORDS POLICIES AND PROCEDURES

Last Updated: June 13, 2016

PREFACE

This Chapter of the P&P is intended to be consistent with those portions of the Utah Government Records Access and Management Act Utah Code Annotated, Title 63G, Chapter 2 (“GRAMA”) applicable to the District.

PART 1
GENERAL PROVISIONS

9-1 GENERAL INTENT

- 1) The purpose of these records policies and procedures is to conform to Section 701 of GRAMA, which provides that each political subdivision of the State of Utah may adopt an ordinance or a policy relating to information practices. If a political subdivision adopts a policy or ordinance, it remains subject to Parts 1 and 3, and Sections 201, 202, 205, 206, 601 and 602 of GRAMA. Except for the Sections of GRAMA which apply to the District notwithstanding the adoption of this Chapter 9, the only GRAMA Sections which apply to the District are those which are expressly referenced in these policies and procedures.
- 2) It is the policy of the District to make public records available upon reasonable request, while preventing the disclosure of non-public records, all consistent with applicable portions of GRAMA and these records policies and procedures. In those situations where persons other than the District may have an interest in records in the possession of the District, such as laboratory test results for samples tested by the District at the request of others, the District will make reasonable efforts to give those who may have an interest in such records notice and an opportunity to object before the District will respond to a request for such records.

9-2 DEFINITIONS

- 1) Terms used in this Chapter 9 shall be defined as stated in Section 63G-2-103 of GRAMA.

PART 2
ACCESS TO RECORDS

9-3 FEES

- 1) The District will charge fees for copying, compiling, etc. as described in Section 63G-2-203 of GRAMA. The charges will be set annually as part of the budget, but are subject to change by the Board at any time. To the extent charges are not specified in the annual budget they may be specified by the GM as necessary. The District will attempt to assign the person with the requisite skills and the lowest hourly wage. The District may assign to outside sources the task of searching for records, compiling records, or reviewing records to confirm the appropriate documents are being provided in compliance with GRAMA and this chapter of the P&P. In those cases, the District will charge its actual costs for such work. Newer requests for records will not be processed or released until all current and prior payments for previous records requests are paid in full. If the requestor does not take delivery of a records request within 30 days of receiving reasonable notice that the records are available, the response will be considered to have been abandoned and the District may destroy the response.

9-4 REQUESTS – TIME LIMIT FOR RESPONSE AND EXTRAORDINARY CIRCUMSTANCES

- 1) Except where inconsistent with this Chapter, Sections 63G-2-201 and 204 of GRAMA shall apply to requests made to the District.
- 2) Requests for records shall be directed to the Clerk.
- 3) If the District receives a request that seeks an expedited response, the District shall first determine if the request demonstrates a benefit to the public. If the request demonstrates a benefit to the public, not just the requester, the District's response shall be expedited subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9. If the request does not demonstrate a benefit to the public, the District shall notify the requester within 5 business days of receiving the request that the request will not be expedited.
- 4) If the response is to be expedited, the District shall provide its response within 5 business days of receiving the request, subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9. If the request is not to be expedited, the District shall respond as soon as reasonably possible but no later than 10 business days after receiving the request, subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9.
- 5) The District's response shall either:
 - a) approve the request and provide a copy of the record;
 - b) deny the request in accordance with the procedures and requirements of Section 63G-2-205 of GRAMA;

- c) notify the requester that the District does not maintain the record requested and provide, if known, the name and address of the governmental entity that does maintain the record; or
 - d) notify the requester that because of one of the extraordinary circumstances listed in Subsection 63G-2-204(5) of GRAMA or in this P&P Section 9-4, the District cannot immediately approve or deny the request, and include with the notice a description of the circumstances that constitute the extraordinary circumstances and the date the records will be available consistent with Subsection 63G-2-204(6) of GRAMA.
- 6) In addition to those extraordinary circumstances described in Section 63G-2-204 of GRAMA, the following are extraordinary circumstances which allow the District to delay approval or denial by an additional period of not more than 15 business days:
- a) If persons other than the District may have an interest in records in the possession of the District, and the additional time is reasonably needed for the District to notify such interested persons and give them an opportunity to object to disclosure; and
 - b) If additional time is reasonably required because of limitations in District resources.

9-5 DENIALS

- 1) Section 63G-2-205 of GRAMA governs the manner in which the District will make denials of requests for records. The General Manager will serve as the chief administrative officer for purposes of Section 63G-2-205(2)(c) of GRAMA.

9-6 SHARING RECORDS

- 1) The District may share records as described in Section 63G-2-206 of GRAMA.

9-7 SUBPOENAS – COURT ORDERED DISCLOSURE FOR DISCOVERY

- 1) As described in Section 63G-2-207 of GRAMA, subpoenas and other methods of discovery under state or federal statutes, or rules of civil, criminal, administrative or legislative procedures are not written requests under Section 9-4 of this Chapter or Section 63G-2-204 of GRAMA. Except as otherwise required by Section 63G-2-207 of GRAMA, or order of an appropriate court or administrative law judge, non-public records shall not be made available for inspection or copying if requested by subpoena and other method of discovery.

9-8 ELECTRONIC RECORDS

- 1) Subject to the requirements and limitations of Section 63G-2-201 of GRAMA and this Chapter 9, the District shall provide an electronic copy of a record in lieu of its paper equivalent if:
 - a) the request for records states a preference for an electronic copy;
 - b) the District currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and
 - c) the electronic copy:
 - i) does not disclose other records exempt from disclosure; or
 - ii) may be segregated to protect private, protected, or controlled information from disclosure with undue expenditure of District resources or funds.

PART 3 CLASSIFICATION

9-9 RECORDS THAT MUST BE DISCLOSED

- 1) The standards for classification of records which must be disclosed which are applicable to the District are found in Section 63G-2-301 of GRAMA.

9-10 PRIVATE RECORDS

- 1) The standards for classification of private records applicable to the District are found in Section 63G-2-302 of GRAMA.
- 2) Excepting only information which must be disclosed as described by Sections 63G-2-301(2) and (3) of GRAMA, all information contained in records regarding individuals, including, but not limited to District employees, former employees, prospective employees, Trustees or other agents or contractors of the District, including, but not limited to, personnel records, payroll records, health, accident or life insurance records, medical records, etc., are private.

9-11 CONTROLLED RECORDS

- 1) The standards for classification of controlled records applicable to the District are found in Section 63G-2-304 of GRAMA.

9-12 PROTECTED RECORDS

- 1) The standards for classification of protected records applicable to the District are found in Section 63G-2-305 of GRAMA.

**PART 4
APPEALS**

9-13 APPEALS

- 1) Consistent with Section 63G-2-701(5), any person aggrieved by classification, designation or access decisions of the District may appeal to the General Manager. The decision of the General Manager may be appealed to the District's GRAMA appeals board. The District's GRAMA appeals board shall be appointed by the Board and shall consist of a District employee or board member, a citizen, and a citizen with professional experience either managing or requesting records. Section 63G-2-401 of GRAMA governs appeals, except that the notice of appeal shall be sent to the General Manager. The matter shall be reviewed as soon as practicable by the District's GRAMA appeals board. The time for decision for appeals described in Section 63G-2-401(5) shall not apply to the District.

**PART 6
ACCURACY OF RECORDS**

9-14 REQUESTS TO AMEND RECORDS

- 1) Requests to amend District records are **not** governed by Section 63G-2-603 of GRAMA. Requests to amend District records must be made in writing to the Clerk. The request must contain the requester's name, mailing address, daytime telephone number and brief statement of why the described District record should be amended. The Clerk shall respond in writing to the request within 15 business days. Any appeal of the decision of the Clerk must be made as described in Section 9-13 of these records policies and procedures.

**PART 8
LIABILITY AND DISCIPLINARY ACTION**

9-15 LIABILITY AND DISCIPLINARY ACTION

- 1) Liabilities and penalties, if any, associated with records access and retention are described in Sections 63G-2-801 through 804 of GRAMA.

**PART 9
ARCHIVES AND RECORDS SERVICE**

9-16 MANAGEMENT AND RETENTION OF RECORDS

- 1) The standards for the management and retention of records applicable to the District are found in Section 63A-12-103.