

# ***Intriguing State Records Committee Hearings***

**Rosemary Cundiff  
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# The State Records Committee

## Utah Code Section 63G-2-501

(1) There is created the State Records Committee within the Department of Administrative Services to consist of the following seven individuals:

- Private sector professional
- Director of the Division of State History
- Governor's designee
- Two citizen members
- Representative of political subdivisions
- Representative of the news media

# The State Records Committee



# The State Records Committee

## Utah Code Section 63G-2-403

(8) At the hearing, the records committee shall allow the parties to testify, present evidence, and comment on the issues.

- Holds a hearing
- Allows parties to testify
- May review records
- Makes a decision
- Issues an order



# The State Records Committee



# American Civil Liberties Union vs. Davis County

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**Request:** jail standards, audit reports, and correspondence.

**Response:** provided some correspondence; denied standards and audits based on Davis County does not maintain the records, and they are subject to copyright.  
Utah Code Section 63G-2-103(22)(b).

**Records Committee Decision:** released more records, but Davis County does not maintain jail standards and audits and therefore the Committee cannot order release.

# American Civil Liberties Union vs. Davis County

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The Salt Lake Tribune Story

# Salt Lake Tribune vs. Attorney General

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**Request:** copy of the legal opinion requested by legislative leaders about the special election process.

**Response:** denied based on protected classification  
Utah Code Section 63G-2-305(18) and 305(22).

**Records Committee Decision:** determined that records are properly classified as protected under 305(22), but used the weighing provision to release the record.



# **Salt Lake Tribune vs. Attorney General**

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The Salt Lake Tribune Story

# **KSL TV**

## **vs. Kaysville City Police Department**

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**Request:** body camera footage of altercation inside a residence.

**Response:** denied based on private classification  
Utah Code Section 63G-2-302(2)(d)(g).

**Records Committee Decision:** images of family members are private, but images of the suspect and law enforcement officers are public. The video contains both public and private information and must be segregated. The requester is to bear that cost.

# Matthew Winters vs. West Jordan City Police Department

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**Request:** video and audio – car camera, body camera and surveillance camera.

**Response:** provided some, but redacted images of juveniles.  
Utah Code Section 63G-2-302(2)(d) and 302(1)(d).

**Records Committee Decision:** determined that records describing medical condition, images inside a residence, and personally identifiable information about juveniles is private. The governmental entity is obligated to segregate.

# Andrew Becker vs. Washington County Sheriff's Office

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**Request:** police reports involving Mr. Becker.

**Response:** provided private records but protected DUI report and certain audio and video recordings.  
Utah Code Section 63G-2-305(10).

**Records Committee Decision:** Release DUI report. It is an initial contact report; as such is normally public. Video of inside police station in this case is private. Video images of passenger inside Mr. Becker's vehicle are private and must be redacted; remaining portions of video is public.



# Utah Rivers Council vs. Utah Division of Water Resources

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**Request:** 2015 water use data submitted to the Division by public water suppliers in Utah.

**Response:** not available until verified, but protected as a draft.  
Utah Code Section 63G-2-305(22).

**Records Committee Decision:** even though the raw data is unverified, it is not a draft, but is a public record.

# Edward Berkovick vs. Millard County

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**Request:** notes taken by county employee at an emergency meeting of the Utah Prosecution Council.

**Response:** county does not maintain records, but later retrieved record.

**Records Committee Decision:** by virtue of fact that county obtained the record the county is responsible to release with appropriate redactions for closed meeting records.

# 2018 theme

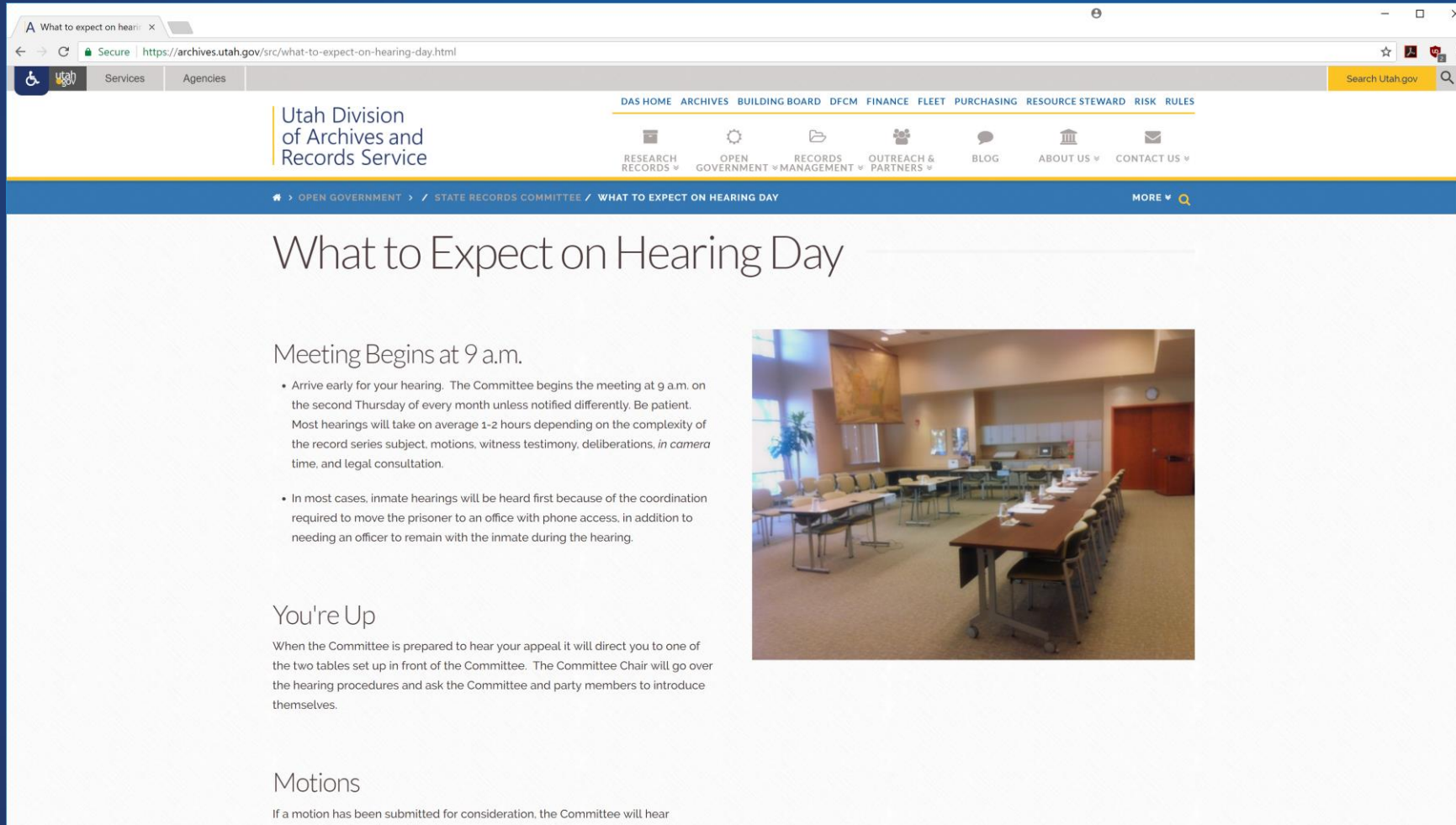
**We have  
no  
records**

Scott Gollaher vs. Morgan County  
“respondent possesses no records”

Mine Shaft Brewing vs. Summit County  
“county already provided all records”

Brady Eames vs. Logan City  
“city already provided all records”

# Decisions, orders and more.



The screenshot shows a web browser window displaying the Utah Division of Archives and Records Service website. The page title is "What to Expect on Hearing Day". The navigation bar includes links for DAS HOME, ARCHIVES, BUILDING BOARD, DFCM, FINANCE, FLEET, PURCHASING, RESOURCE STEWARD, RISK, and RULES. Below this, there are icons and labels for RESEARCH RECORDS, OPEN GOVERNMENT, RECORDS MANAGEMENT, OUTREACH & PARTNERS, BLOG, ABOUT US, and CONTACT US. The breadcrumb trail reads: OPEN GOVERNMENT > STATE RECORDS COMMITTEE / WHAT TO EXPECT ON HEARING DAY. The main content area has the heading "What to Expect on Hearing Day". Under the heading, there is a section titled "Meeting Begins at 9 a.m." with two bullet points: "Arrive early for your hearing. The Committee begins the meeting at 9 a.m. on the second Thursday of every month unless notified differently. Be patient. Most hearings will take on average 1-2 hours depending on the complexity of the record series subject, motions, witness testimony, deliberations, *in camera* time, and legal consultation." and "In most cases, inmate hearings will be heard first because of the coordination required to move the prisoner to an office with phone access, in addition to needing an officer to remain with the inmate during the hearing." To the right of the text is a photograph of a large, empty conference room with several long tables and chairs arranged in a U-shape. Below the text is a section titled "You're Up" with the text: "When the Committee is prepared to hear your appeal it will direct you to one of the two tables set up in front of the Committee. The Committee Chair will go over the hearing procedures and ask the Committee and party members to introduce themselves." Below that is a section titled "Motions" with the text: "If a motion has been submitted for consideration, the Committee will hear".

## What to Expect on Hearing Day

### Meeting Begins at 9 a.m.

- Arrive early for your hearing. The Committee begins the meeting at 9 a.m. on the second Thursday of every month unless notified differently. Be patient. Most hearings will take on average 1-2 hours depending on the complexity of the record series subject, motions, witness testimony, deliberations, *in camera* time, and legal consultation.
- In most cases, inmate hearings will be heard first because of the coordination required to move the prisoner to an office with phone access, in addition to needing an officer to remain with the inmate during the hearing.

### You're Up

When the Committee is prepared to hear your appeal it will direct you to one of the two tables set up in front of the Committee. The Committee Chair will go over the hearing procedures and ask the Committee and party members to introduce themselves.

### Motions

If a motion has been submitted for consideration, the Committee will hear



# Thank you – any questions?

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- Rosemary Cundiff
- [rcundiff@utah.gov](mailto:rcundiff@utah.gov)
- (801) 531-3858