

GRAMA 101!

Future Class Schedule

Today! Part 1

Overview with a dive into definitions and fees

Part 2 on June 15th

Overview with a dive into classifying records

Part 3 on June 29th

Answering requests, and the appeals process

GRAMA 101!

Let's be Frank

- Not black and white
- Analyze and make decisions
- Discretion
- Legal analysis and research

How long have you been a records officer?

- 1 year or less
- 2–5 years
- 5–10 years
- 10+ years

Without looking–
How many sections does GRAMA have?

Is it:

A– 6

B– 7

C– 8

D–9

Part 1 General Provisions

Highlights

- Legislative Intent
- Definitions
- Security measures
- Federal law
- Annual certification for records officers

Purpose of GRAMA

63G-2-102 (1)(2)

Part 1 General Provisions

Highlights

- Legislative Intent
- Definitions
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- Federal law
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Part 1 General Provisions

Highlights

- Legislative Intent
- Definitions
- Security measures

63G-2-106. Records of security measures.

The records of a governmental entity or political subdivision regarding security measures designed for the protection of persons or property, public or private, are not subject to this chapter. These records include:

- (1) security plans;
- (2) security codes and combinations, and passwords;
- (3) passes and keys;
- (4) security procedures; and
- (5) building and public works designs, to the extent that the records or information relate to the ongoing security measures of a public entity.

Part 1 General Provisions

Highlights

- Legislative Intent
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63G-2-107. Disclosure of records subject to federal law.

- (1) Notwithstanding Subsection 63G-2-201(6), this chapter does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:
- (a) controlled or maintained by a governmental entity; and
 - (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.
- (2) The disclosure of an education record as defined in the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity shall be governed by the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.

Part 1 General Provisions

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- Legislative Intent
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Part 2 Access to Records

Highlights

- Provisions for access to public and non-public records
- Record Requests
- Denials
- Fees
- Sharing records

Part 2 Access to Records

Sharing Records

- Do not use GRAMA requests to share records
- When it is permissible
- When it is required
- Forms on our website

63G-2-206

Records Sharing Forms

[Record Sharing Form for Contractors and Private Providers](#) to be used to facilitate the sharing of government records with a contractor or private provider.

[Record Sharing Form for Governmental Entities](#) to be used to facilitate the sharing of government records with another governmental entity.

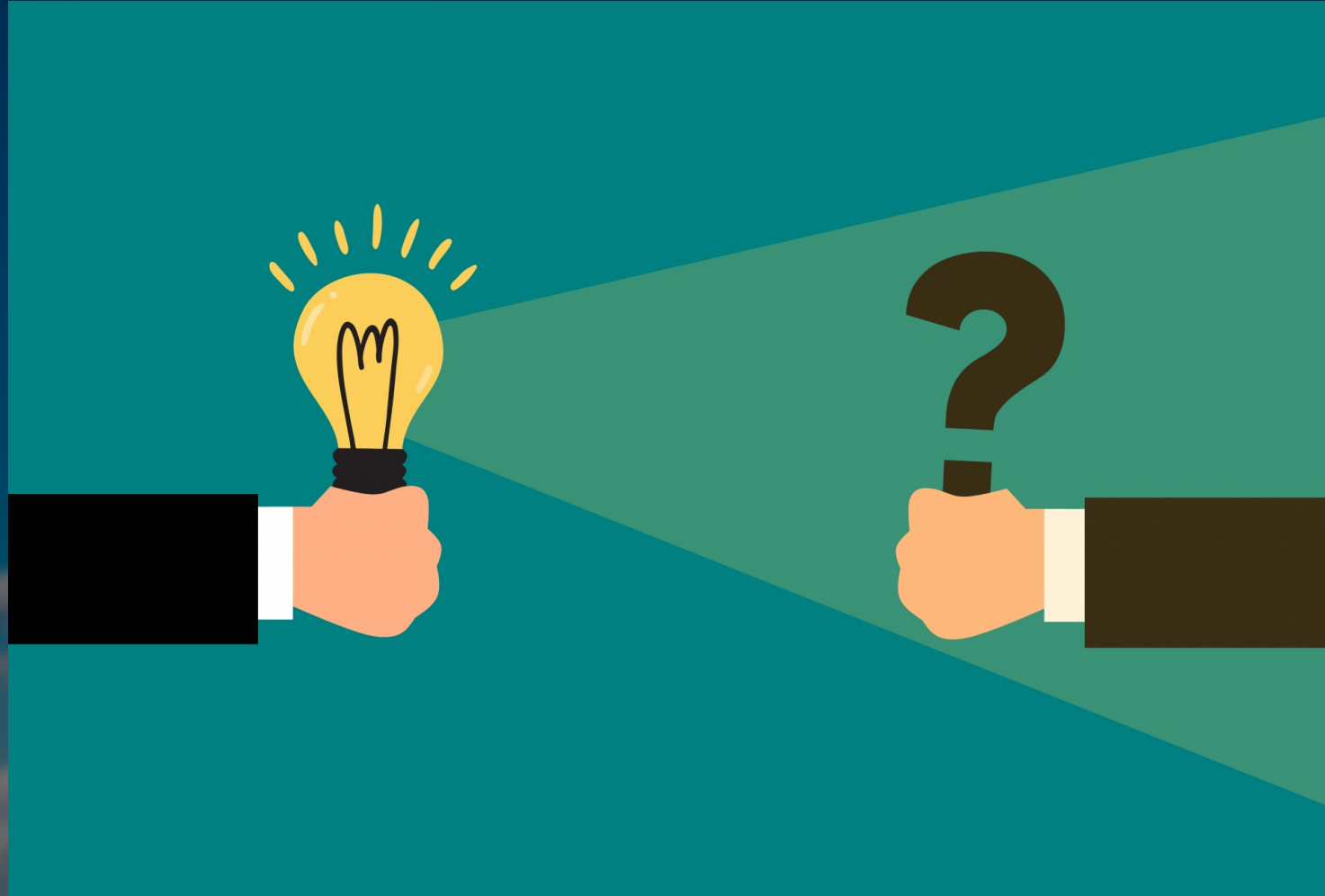
Part 3 Classification

Highlights

- Public, Private, Protected, and Controlled records
- Duty to designate and classify records
- Records presumed public 75 or 100 years later



Questions?



Part 4 Appeals

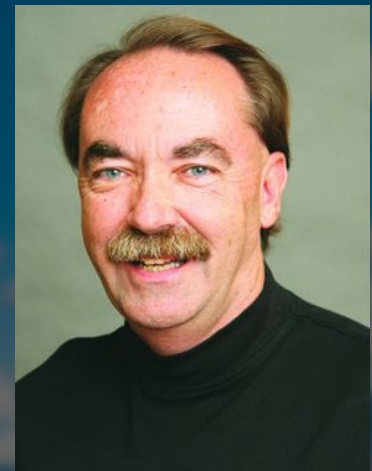
Highlights

- Appealing to the Chief Administrative Officer
- Appealing to the State Records Committee
- Judicial Review
- Weighing public interest

Part 5 State Records Committee

Highlights

- 7 members
 - State Archivist
 - 2 citizen members
 - News media
 - Private sector
 - ULCT nominee
 - Database experience



Part 6 Collection of Information and Accuracy of Records

Highlights

- Rights of individual to know classification of their data
- Notices to provider of information
- Context for record use
- Amending records
- Record retention and designation

Part 6 Collection of Information and Accuracy of Records

Highlights

- Rights of individual to know classification of their data
- Notices to provider of information

- (2) (a) A governmental entity shall provide notice of the following to a person that is asked to furnish information that could be classified as a private or controlled record:
 - (i) the reasons the person is asked to furnish the information;
 - (ii) the intended uses of the information;
 - (iii) the consequences for refusing to provide the information; and
 - (iv) the classes of persons and the governmental entities that currently:
 - (A) share the information with the governmental entity; or
 - (B) receive the information from the governmental entity on a regular or contractual basis.
- (b) The notice shall be:
 - (i) posted in a prominent place at all locations where the governmental entity collects the information; or
 - (ii) included as part of the documents or forms that are used by the governmental entity to collect the information.

Part 6 Collection of Information and Accuracy of Records

Highlights

- Rights of individual to know classification of their data
- Notices to provider of information
- Context for record use
- Amending records
- Record retention and designation

Part 7 Applicability to Political Subdivisions, the Judiciary, and the Legislature

Highlights

- Political subdivision ordinances
- Judiciary requirements
- Legislature requirements

Part 8 Remedies

Highlights

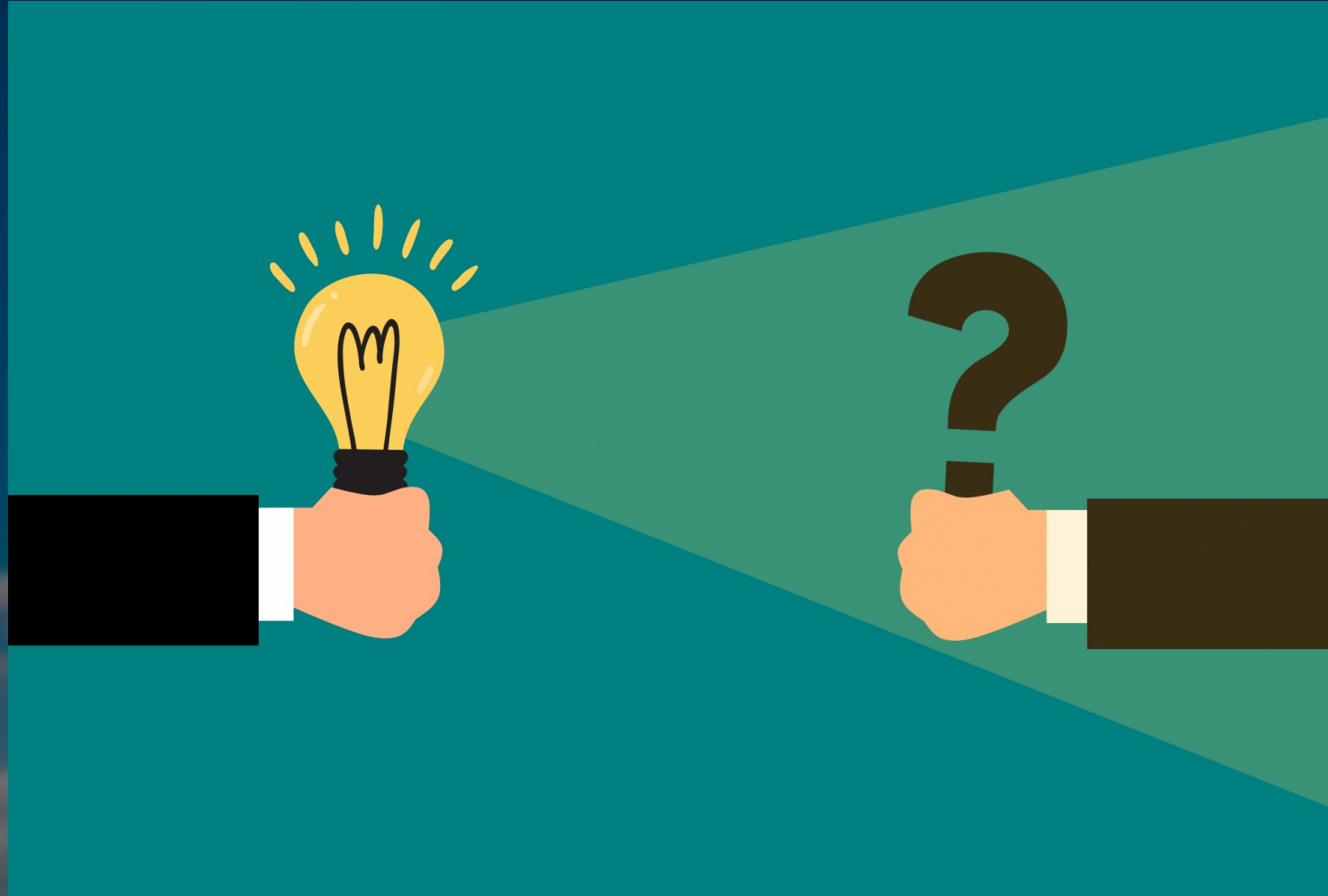
- Criminal penalties
- Individuals not liable for certain decisions

Part 9 Public Associations

Highlights

- Determining if a public association is subject to GRAMA

Questions?



What do you feel is the trickiest part of GRAMA?

Is it:

Fees

Requests/Appeals

Defining records

Something else?

Part 1 General Provisions: Definitions

- Governmental Entity
- Records Officer

Governmental entity

63G-2-103(11)

- Public agency (state and local)
- Exists to carry out public business
- Funded by public tax dollars
- Interlocal entity or cooperative undertaking
- Governmental nonprofit corporation
- Associations defined in 53G-7-1101
- Law enforcement agency as defined in 53-1-102

Records Officer

63G-2-103(24)

- Appointed by chief administrative officer
- Works with Division of Archives and Records Services
- Responsible for:
 - Care
 - Maintenance
 - Scheduling
 - Designation and classification of record, record series
 - Disposal of records
 - Preservation of records

Records Officer

63G-2-103(24)

- Appointed by chief administrative officer
 - Do you know who that is? Do they know you?
 - RIM can help!

Part 1 General Provisions: Definitions

- Computer Program
- Contractor
- Record

Computer Program

63G-2-103(4)

- How to operate the program
- A computer program does NOT mean
 - Original data (numbers, text, graphics)
 - Underlying algorithms in the program
- Record is not a computer program developed or purchased by an entity for its own use

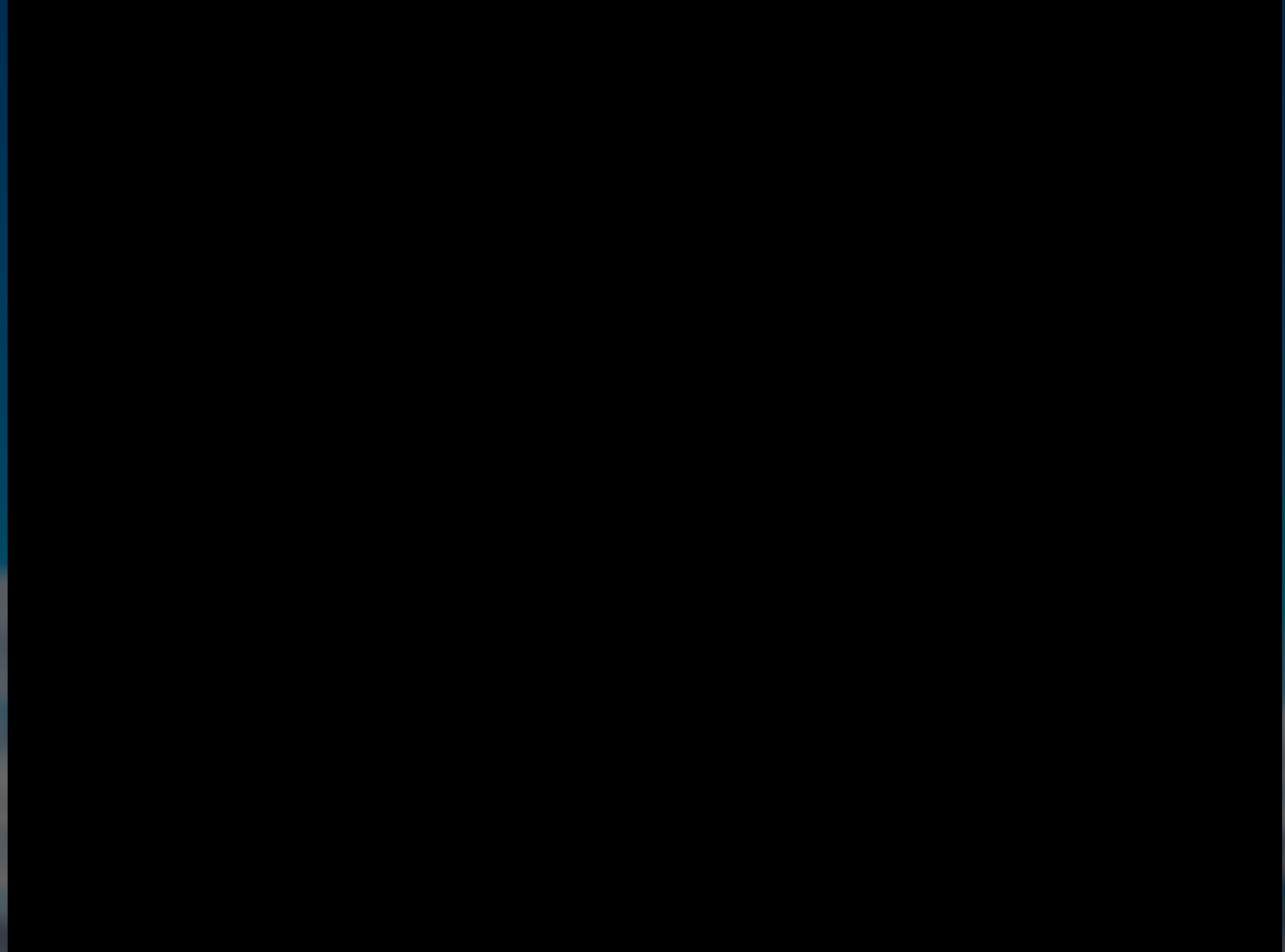
Contractor

63G-2-103(5)

- Contracts to provide goods or services directly to a governmental entity
- Any private, nonprofit organization that receives funds from a governmental entity
- Not a private provider

Record

This one's a doozy and we could spend hours here, so here's a quick rundown:



63G-2-103(22)(a)

Record

This one's a doozy and we could spend hours here, so here's a quick rundown:

What a record is not...
is a long list.

63G-2-103(22)(b)

63G-2-103(22)(b) lists 18 things that are not records

Personal note

Material limited by copyright or patent

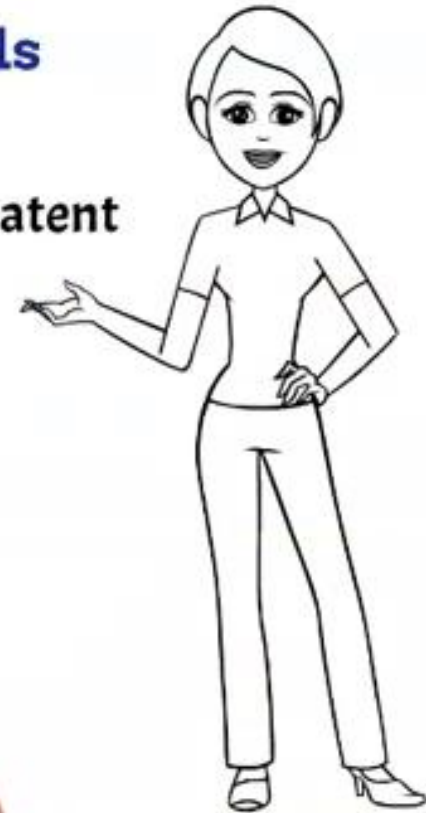
Junk mail

Library book

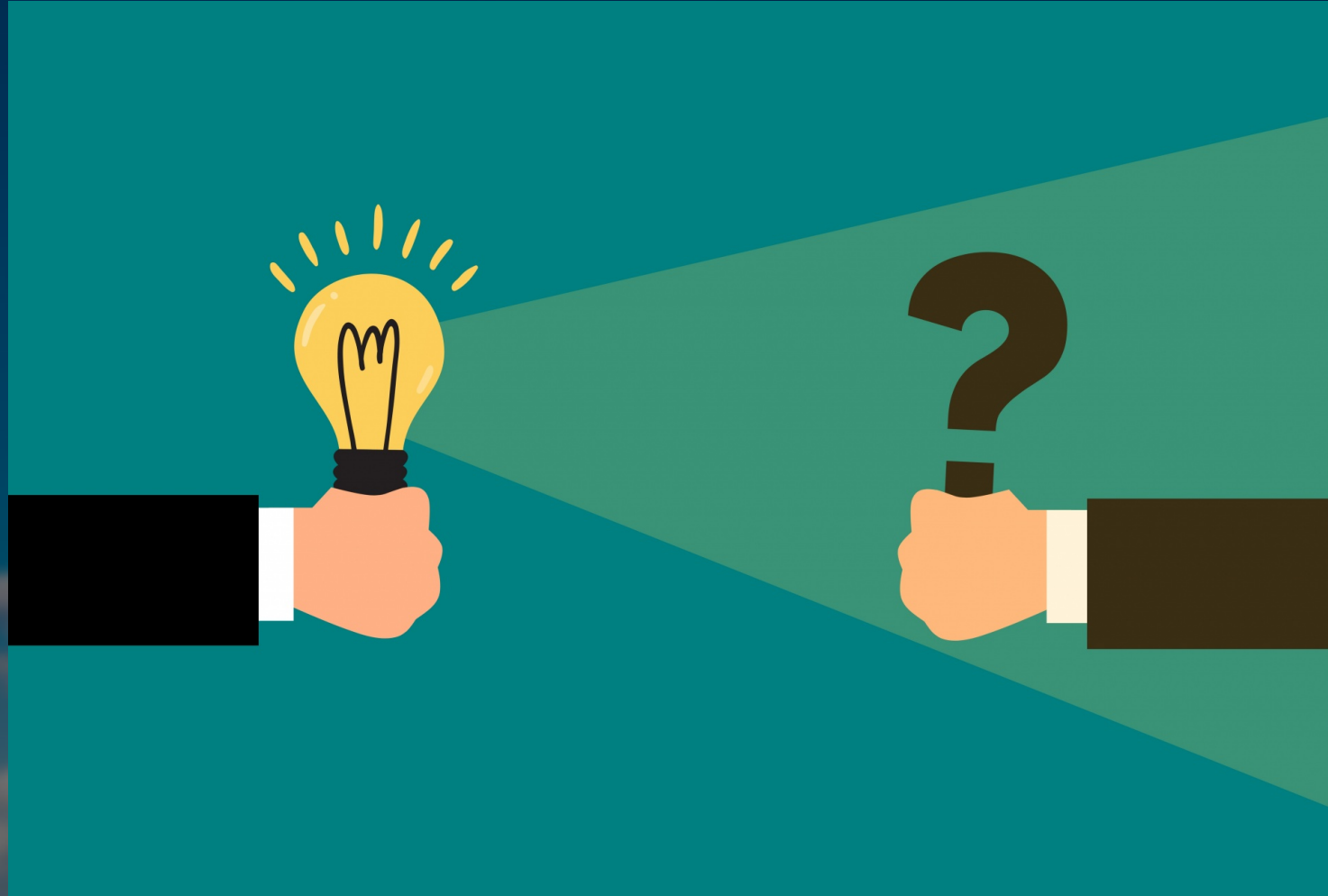
Proprietar

Daily calendar

Temporal



Questions?



Part 2: Fees

63G-2-203

- Fee waivers
- What can be charged
- What cannot be charged
- How to calculate the cost



Part 2: Fees

- Established through ordinances/ policy
- May charge reasonable fee for:
 - staff time for compiling, formatting, manipulating, packaging, summarizing, tailoring
 - staff time search, retrieval
 - actual cost for computer output

63G-2-203(2)



Part 2: Fees

- May not charge:
 - 63G-2-203(5)
 - Inspecting a record
 - Reviewing to determine classification
 - First 15 minutes staff time
- When to grant a fee waiver:
 - 63G-2-203(4)
 - Primarily benefits the public
 - Subject of the record
 - Requester is indigent and legal rights directly implicated

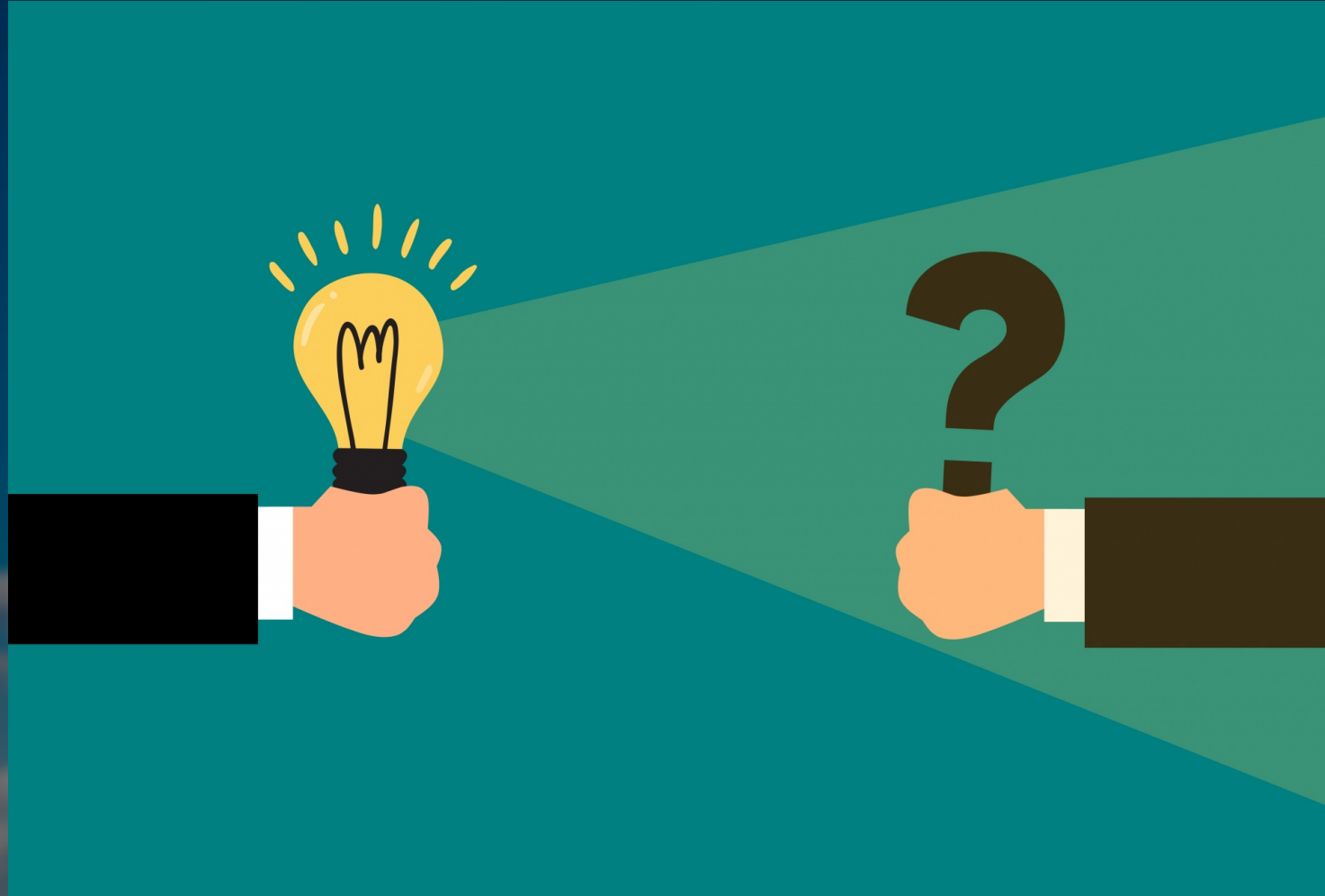


Part 2: Fees

- Prepayment can be required when:
 - Cost is expected to exceed \$50
 - Requester has not paid for previous requests



Questions?



- RIM Specialist!

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- Government Records Ombudsman:

(801) 531-3858

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- State Record Committee
Executive Secretary

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