

Is It Sunnier in Utah?

Nova Dubovik
March 13, 2018

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Sunshine Week

It's Your Right to Know

March 11-17, 2018

Join ASNE and the Reporters Committee in the annual nationwide celebration of access to public information and what it means for you and your community. Find all the free resources you need to get started [right here](#).

[How to Get Involved](#)



REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

A 501(c)(3) nonprofit association dedicated to assisting journalists since 1970

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U.S. police body camera access policies and laws

The Reporters Committee maintains an interactive map of police body camera access policy and law across the United States. Check out this regularly modified feature, and send us your city and state updates.

News



The Reporters Committee has been defending press freedom since 1970. Help us continue that work.

Warrantless searches of devices at the border violate travelers' First Amendment rights, Reporters Committee and Knight Institute argue

02/02/2018

On Friday, the Reporters Committee for Freedom of the Press and the Knight First Amendment Institute at Columbia University urged a federal judge to deny a request from the U.S. Department of Homeland Security, U.S. Customs and Border Protection,...

Georgia law does not mandate that all public records that could be exempt from disclosure be kept private, Reporters Committee argues

01/29/2018

On Monday, the Reporters Committee for Freedom of the Press and

The Place to Start

The Digital Journalist's Legal Guide has the answers and links to Reporters Committee resources for all your questions about the legal issues involved in gathering and disseminating news.

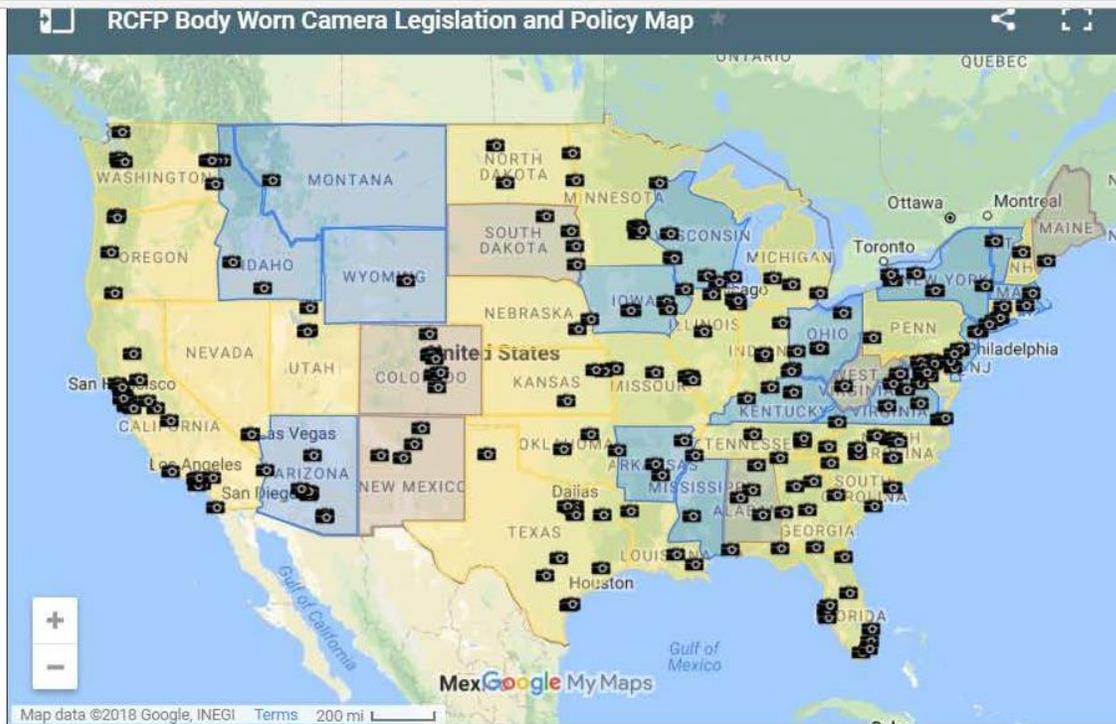
FOIA Services

Find out everything you need to know about public records access:

- Read our federal and state Open Government Guides
- Read our Federal FOIA Appeals Guide
- Visit [iFOIA.org](#), our FOIA request tracking system
- Go to [FOIA.wiki](#) to get more details about the federal FOIA, and make your own contributions to the wiki

Our Mission

To protect the right to gather and distribute news: to keep



State legislation and case law

The color of the state indicates the status of legislation regarding access to BWC videos. By clicking the state you can find more information and see a link to the bill(s) and/or case(s).

- Blue = Legislation regarding public accessibility to body-worn camera footage has been proposed, but not passed.
- Yellow = A law has been passed regarding public access to body-worn camera footage.
- Brown = No laws regarding public access to body-worn camera footage have been passed. However, some states have introduced or passed bills regarding the implementation of BWCs that do not directly address the question of whom should have public access.
- Green = A court case has decided the rules regarding public access to body-worn camera footage. Click the state to read more about the decision

Access to Police Body-Worn Camera Video:

Not shown:

-Alaska has no bill concerning public access BWCs.

-Hawaii has passed a public access BWCs

<https://www.rcfp.org/bodycams>



YOUR RIGHT TO KNOW

The ability to record a meeting, either through audio or visual recording has generally been viewed as implicit in sunshine laws if not explicitly written into the state law. For example, **Utah** and Oklahoma statutorily **permit the recording of meetings.**

Sunshine laws

Sunshine laws

All states, the District of Columbia and the federal government have open meeting laws, often referred to as “sunshine laws,” requiring agency officials to hold certain meetings in public. These laws do not necessarily ensure that members of the public will be allowed to address the agency, but they do guarantee that the public and the media can attend the meetings.

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Some states have addressed the issue of whether electronic communications would constitute a meeting subject to open meetings laws mandates. For



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Utah, Florida and Texas are among those additional states that have **established legal procedures** and limitations on when and how **electronic meetings** can occur.

gatherings of agency officials usually do not fall within the scope of these laws. However, merely having food at a meeting does not make it a social gathering if the agency is meeting to discuss public issues and make decisions.⁸

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Washington
Nevada
Colorado
Texas
Utah

The screenshot shows a web page with a dark blue navigation bar at the top containing links for Home, Toolkit, Events, Participants, Idea Bank, Schools & Colleges, FOI in Action, SW Shop, The Vault, and Contact. The main content area features a large heading "Free public records data by MuckRock" and a sub-heading "Posted on March 1, 2017 by SW Admin". The text below states: "FOIA and public records tool MuckRock has compiled public records metrics and guides for every state, including average response times, success rates, average fees and more. Check out data on your state and what documents people have requested. For federal data, click here. Anyone can use this data for free with proper attribution to MuckRock." Below the text are two navigation links: "It's Your Right, It's Your Business" and "Is 'Weaponizing' Disclosure a Bad Thing?". At the bottom left of the article, it says "Posted in Toolkit". On the right side, there is a social media widget for @SunshineWeek showing a tweet from OGIS (@FOIA_Ombuds) about Sunshine Week and a "Mark Your Calendar" reminder for the event on March 12th.

MUCKROCK News Projects Requests ... Search File Request



Washington, USA

Washington Public Records Guide

Washington Public Records Act
Wash. Rev. Code Ann. 42.56.001 to .904
Established in 1972 and recodified in 2006

Washington rewrote their public records law in 2006, although it is hard to tell because it certainly seems a little outdated in some regards. Access to the legislative and judicial branches

File a Request

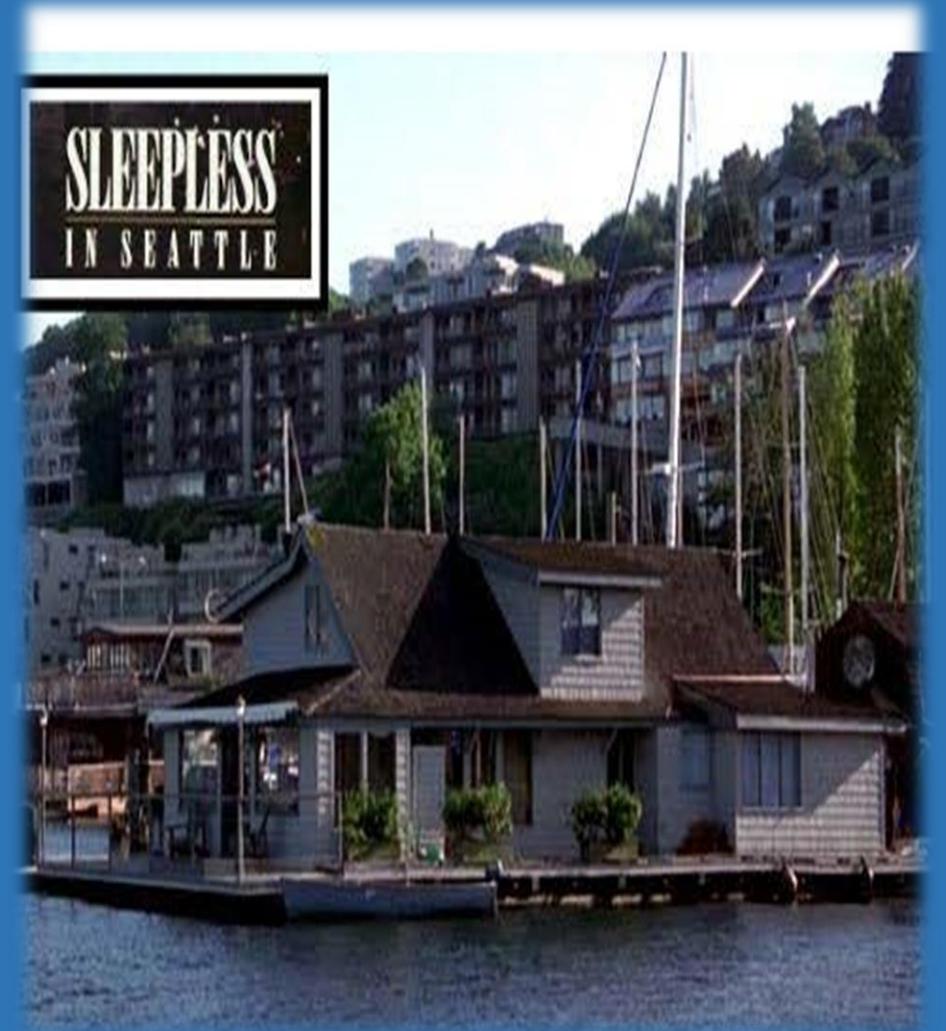
- Rewrote public records law in 2006 considered still outdated
- Time limits to respond are vague “prompt” no estimate on completion
- Fee waivers not granted
- Appeals only heard in court
- 1 year to appeal decision
- **Public records violation can be profitable**

Petitioners awarded \$5 to \$100 a day for each day that access to the records was denied

- ❑ Olympia resident Arthur West claimed high profile legal victories in court.
- ❑ Won a \$187K against Port of Olympia
Withholding documents related to lease negotiations, whistleblower complaints and an environmental assessment.
- ❑ Won a \$192K settlement Washington Liquor Control board
Violated the open meetings law and withholding public records while hashing out rules for legal marijuana.

http://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/Safeguarding_Consumers/Brochures/2013_Brochures/Obtaining-Public-Records-Brochure.pdf

- ❑ As part of the settlement Mr. West agreed to withdraw all other records request and refrain from filing any future requests.
- ❑ The urban legend is that Mr. West financed a new house with the money he won going to court over public records access.



<http://www.theolympian.com/news/local/article/65691367.html>



Colorado, USA

Colorado Public Records Guide

Colorado Public Records Law (CPR)

C.R.S. 24-72-201 et seq

Established 1969

-“Prompt” response

-Lack of oversight from AG/Ombudman

-Law enforcement exemptions covered by Criminal Justice Records

-Only have to report what has been redacted if asked

-Appeals go to district court



Nevada, [USA](#)

Nevada Public Records Guide

Nevada Public Records Act

[N.R.S. 239.010](#)

-Sparse law

-5 days to respond

-Appeal to district court

-No fee waivers for media request or those made in public interest

-Local agencies do not need to designate records custodians

BIZARRE INCIDENT

- ❑ Incline Village General Improvement District (IVGID)
- ❑ Requester filed an open records request on June 4, 2017 seeking multiple records to include email communications between General Managers
- ❑ Response:
“In response to your request for e-mails between our District General Manager and Director of Public Works and Waste Management, I have a thumb drive available for your pick up at our 893 Southwood offices. *You will see thirty days of e-mails as that is our retention policy.* (Emphasis added.)”

<http://nevadajournal.com/2017/08/23/ivgids-efforts-conceal-public-records-gets-bizarre/>



Texas, USA

Texas Public Records Guide

Texas Public Information Act

Texas Government Code, Title 5, Subtitle A, Chapter 552, Subchapter A

Established 1973

Overview

File a Request

-No administrative appeals

-Appeal to district court

-An Agency is not required to respond to a request from an incarcerated individual. It has to be through the individuals attorney

INCARCERATED INDIVIDUALS

Sec. 552.028. REQUEST FOR INFORMATION FROM INCARCERATED INDIVIDUAL. (a) A governmental body is not required to accept or comply with a request for information from:

- (1) an individual who is imprisoned or confined in a correctional facility; or**
- (2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under this chapter.**

(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

Secure | <https://www.muckrock.com/place/united-states-of-america/utah/>

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Utah, USA

Utah Public Records Guide

Government Records Access and Management Act (GRAMA)
Government Records Access and Management Act 63G-2-201



Like many other states, Utah has a mixed-bag reputation for records request. While GRAMA (Government Records Access and Management Act 63G-2-201) is more transparent than some if not most states, allowing for requests to the Governor's Office, the Judicial Branch and Legislative Branch for instance, language can be vague and up for interpretation.

File a Request

Share

-GRAMA is more transparent than some if not most states

-Robust ombudsman program: “in theory” levy enforcement of GRAMA on agencies who fail to comply with the law

What makes Utah sunnier

-  Comprehensive Law
-  Legislative Support
-  Ombudsman
-  State Records Committee
-  Open Records Portal

What makes Utah Sunnier

 Appointed and Trained Records Officer

 Training

Thank you!

Nova Dubovik
March 13, 2018