

## SUMMARY OF GRAMA POLICY

The following is a summary of the GRAMA Policy which we have adopted:

- Section 7.1 District Policy
- Section 7.2 General Purpose
- Section 7.3 Compliance with State Law
- Section 7.4 Definitions
- Section 7.5 Public Right to Records
- Section 7.6 Public, Private, Controlled and Protected Records
- Section 7.7 Privacy Rights
- Section 7.8 Designation, Classification and Retention
- Section 7.9 Procedures for Records Request
- Section 7.10 Fees
- Section 7.11 Appeal Process
- Section 7.12 Disability Accommodations
- Section 7.13 Records Amendments
- Section 7.14 Penalties
- Section 7.15 Records Office
- Section 7.16 Records Maintenance

**SALT LAKE CITY SUBURBAN SANITARY DISTRICT NO. 1**  
**CHAPTER 7 - ADMINISTRATIVE POLICIES AND PROCEDURES**  
**ADOPTED JUNE 19, 1992 - EFFECTIVE JULY 1, 1992**

**7.1 RECORDS ACCESS AND MANAGEMENT**

This chapter of the Administrative Policies and Procedures Manual shall be known as the Salt Lake City Suburban Sanitary District No. 1 ("District") Records Access and Management Policy (the "Policy"). The Policy is governed by applicable provisions of the Government Records Access and Management Act ("GRAMA") Utah Code Ann. §63-2-101, et. seq., as it may be amended from time to time.

**7.2 PURPOSE**

The Policy establishes guidelines for open government information recognizing the need to maintain and preserve accurate records, provide public access to public records and preserve the right of privacy of personal data collected or received by the District. In particular, the purpose of this Policy is to conform to GRAMA Section 63-2-701 which provides that each political subdivision may adopt an ordinance or a policy relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention and amendment of records. The intent of this Policy is to provide modifications to the general provisions of state law, where allowed, to best meet the public needs, operation, management capabilities and resources of the District.

**7.3 COMPLIANCE WITH STATE LAW**

**7.3.1 Applicable GRAMA Sections.** In adopting the Policy, the District recognizes that the following sections of GRAMA apply to the District and adopts by reference these provisions as part of this Policy: Any inconsistency or conflict between this Policy and the following referenced statutory sections shall be governed by the statute, as amended from time-to-time. The full text of GRAMA as of the date of adoption of this Policy, is attached as Appendix I of this Chapter 7.

**7.3.2 General Provisions**

§ 63-2-101	Short title
§ 63-2-102	Legislative intent
§ 63-2-103	Definitions
§ 63-2-104	Administrative Procedures Act not applicable
§ 63-2-105	Confidentiality agreements

**7.3.3**      **Access to Records**

- § 63-2-201      Right to inspect records and receive copies of records
- § 63-2-202      Access to private, controlled and protected documents
- § 63-2-205      Denials
- § 63-2-206      Sharing records

**7.3.4**      **Classification**

- § 63-2-301      Records that must be disclosed
- § 63-2-302      Private Records
- § 63-2-303      Controlled Records
- § 63-2-304      Protected records
- § 63-2-305      Procedure to determine classification
- § 63-2-306      Duty to evaluate records and make designations and classifications
- § 63-2-307      Segregation of records
- § 63-2-308      Business confidentiality claims

**7.3.5**      **Appeals**

This section does not apply

**7.3.6**      **State Records Committee**

This section does not apply

**7.3.7**      **Accuracy of Records**

- § 63-2-601      Rights of individuals on whom data is maintained
- § 63-2-602      Disclosure to subject of records - Context of use
- § 63-2-602      Request to amend

**7.3.8**      **Applicability to Political Subdivisions: The Judiciary and the Legislature**

- § 63-2-701      Political subdivision to enact ordinances in compliance with chapter

**7.3.9**      **Remedies**

- § 63-2-801      Criminal penalties
- § 63-2-802      Injunction - Attorneys' Fees
- § 63-2-803      No liability for certain decisions of a governmental entity
- § 63-2-804      Disciplinary action



8. Protected Records: "Protected" records shall refer to those records classified as protected under the provisions of the Act.
9. Public Records: "Public" records shall refer to those records which have not been classified as non-public in accordance with the provisions of the Act.
10. Record: "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the District where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

**7.4.1 Excluded Items.** "Record" does not mean:

- (a) Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working.
- (b) Materials that are legally owned by an individual in his private capacity.
- (c) Materials to which access is limited by the laws of copyright or patent.
- (d) Junk mail or commercial publications received by the District or by any officer or employee of the District.
- (e) Personal notes or daily calendars prepared by any District employee for personal use or the personal use of a supervisor or such notes, calendars, or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed to the Utah Open Meetings Act, Utah Code Ann. §§52-4-4 and 52-4-5.
- (f) Proprietary computer software programs as defined in subsection 7.4 1. above that are developed or purchased by or for the District for its own use.

## 7.5 PUBLIC RIGHT TO RECORDS

- 7.5.1 **Public Access.** Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the District, of all District governmental records defined as "public" under the provisions of this Policy, upon the payment of the lawful fee and pursuant to the provisions of this Policy and the Act.
- 7.5.2 **Regularly Maintained Records.** The District has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.
- 7.5.3 **Custodial Agency.** When a record is temporarily held by a custodial District agency, pursuant to that custodial agency's statutory functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Policy. The record shall be considered a record of the District and any requests for access to such records shall be directed to the District, rather than the custodial agency, pursuant to these procedures.

## 7.6 PUBLIC, PRIVATE, CONTROLLED AND PROTECTED RECORDS

- 7.6.1 **Public Records.** Public Records shall be those District records as defined in §63-2-201 of the Act. Public records shall be made available to any person. All District records are considered public unless they are (1) expressly designated, classified, or defined otherwise by the District in accordance with policies and procedures established by this Policy, (2) are so designated, classified or defined by the Act, or (3) are made non-public by other applicable law.
- 7.6.2 **Private Records.** Private records shall be those District records classified as "private", as defined in §63-2-302 of the Act and as designated, classified, or defined in procedures established pursuant to this Policy. Private records shall be made available to the following persons: the subject of the record, the parent or legal guardian of a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power

of attorney or a notarized release from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

**7.6.3**      **Controlled Records.**    Controlled records shall be those District records classified as "controlled", as defined in §63-2-303 of the Act and as designated, classified, or defined under procedures established in this Policy.    Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

**7.6.4**      **Protected Records.**    Protected records shall be those District records classified as "protected", as defined in §63-2-304 of the Act and as designated, classified or defined in procedures established in this Policy.    Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge or competent jurisdiction.

## **7.7    PRIVACY RIGHTS**

**7.7.1**      **Personal Right of Privacy.**    The District recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records.

**7.7.2**      **Notification.**    The District may, as determined appropriate by the General Manager, notify the subject of a record that a request for access to the subject's record has been made.

**7.7.3**      **Release.**    The District may require that the requester of the records provide a written release in a form reasonably acceptable to this District, notarized within thirty (30) days before the request, signed by the subject of the records in question before access to such records is provided.

## 7.8 DESIGNATION, CLASSIFICATION AND RETENTION

All District records and records series, of any format, shall be designated, classified and scheduled for retention according to the provisions of the Act and this Policy. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention.

Records designation classification and scheduling for retention shall be conducted under the supervision of the District Records Officer.

## 7.9 PROCEDURES FOR RECORDS REQUEST

**7.9.1 Written Form.** Under circumstances in which the District is not able to immediately respond to a records request, the requester shall fill out and present to the District a written request on a form provided by the District. The date and time of the request shall be noted on the written request form and all time frames provided under this Policy shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and their status prior to receiving access to non-public records.

**7.9.2 District Response.** The District may respond to a request for a record by approving the request and providing the record, denying the request, or such other appropriate response as may be established by policies and procedures.

**7.9.2.1 Normal Response Time.** In most circumstances and excepting those eventualities set out in Subsection 7.9.2.2, the District shall respond to a written request for a public record within ten business days after that request.

**7.9.2.2 Extended Response Time.** Extraordinary circumstances shall justify the District's failure to respond to a written request for a public record within ten business days and shall extend the time for response to that amount of time which is reasonably necessary to respond to the request, as determined by the General Manager. Extraordinary circumstances shall include but not be limited to the following:

1. Some other governmental entity is currently and actively using the record requested.
2. The record requested is for either a voluminous quantity of records or requires the District to review a large number of records or perform extensive research to locate the materials requested.
3. The District is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work.
4. The request involves an analysis of legal issues to determine the proper response to the request.
5. The request involves extensive editing to separate public data in a record from that which is not public.
6. Providing the information requested requires computer programming or other format manipulation.

**7.9.2.3** Estimated Response Time. When a record request cannot be responded to within ten business days, the General Manager shall give the requester an estimate of the time required to respond to the request.

**7.9.3** Appellate Rights. The failure or inability of the District to respond to a request for a record within the time frames set out herein, or the District's denial of such a request, shall give the requester the right to appeal as provided in Section 7.11.

## **7.10 FEES**

**7.10.1** Policy Regarding Fees. Applicable fees for the processing of information requests under this Policy shall generally be set at actual cost or as otherwise established by policies adopted under this Policy.

**7.10.2** Applicable Fees. The District will charge the following fees for requests relating to GRAMA:

- (a) Reviewing a record to determine whether it is subject to disclosure.....No Charge
- (b) Inspection of record by requesting person.....No Charge
- (c) Copy Fees.....25 Cents per page (for District prepared copies)
- (d) Computer Disk.....Actual cost (including overhead and time of District staff in preparation of information request)
- (e) Other Forms.....Actual Cost (including overhead and time of District staff in preparation of information request)
- (f) Miscellaneous Fees.....Actual Cost (including overhead and time of District staff in preparation of information request)

**7.11 APPEAL PROCESS**

**7.11.1 Appeal to General Manager.** Any person aggrieved by the District's denial of a request for a record or claim of extraordinary circumstances may appeal the determination to the General Manager within 30 days after notice of the District's action by filing a written notice of appeal. The notice of appeal shall stat the petitioners name, address, telephone number, the relief sought and, if petitioner desires, a short statement of the facts, reasons and legal authority for the appeal.

**7.11.1.1 Notice Regarding Privacy Rights.** If the General Manager determines that the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the General Manager shall send a notice of the requester's appeal to the affected person.

- 7.11.1.2 **Timing of Decision.** The General Manager shall make a determination on the appeal within thirty days after receipt of the appeal.
- 7.11.1.3 **Informal Hearing.** During this thirty day period, the General Manager may schedule an informal hearing or request any additional information deemed necessary to make a determination.
- 7.11.1.4 **Written Notice of Decision.** The General Manager shall send written notice to all participants providing the reasons for the General Manager's determination. If the General Manager affirms the denial in whole or in part, the notice shall include a statement that the requester has a right to appeal the denial to the District's Board of Trustees within thirty days after issuance of the General Manager's written notice of decision and that the appeal will be heard at the next scheduled meeting of the Board.
- 7.11.2 **Appeal to the Board.** Within thirty days after issuance of the General Manager's affirmance of a denial of a person's request for access to records, the aggrieved person may file a written notice of appeal with the District Board of Trustees. Provided that the notice of appeal is received before the preparation of the agenda, so it can be included in the agenda, the appeal shall be heard at the next scheduled meeting of the Board. If there is no meeting scheduled in the next thirty days after receipt of the notice of appeal or if the notice is not received in sufficient time to place it on the agenda of the next scheduled Board meeting, the Board of Trustees shall schedule a special meeting within thirty days after receipt of the notice of appeal for the purpose of hearing the appeal. The final decision of the Board of Trustees shall be by majority vote of a quorum of the Board. The Board shall prepare and issue a written decision outlining the final determination and reasons for the final determination.

**7.11.2.1 Affirmance of Denial.** If the Board of Trustees affirms the denial, in whole or in part, the aggrieved person may petition for judicial review in District Court as provided in §63-2-404 of the Act.

## **7.12 DISABILITY ACCOMMODATIONS**

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with the applicable requirements of the Americans with Disabilities Act (42 USCA §12101, et. seq.) upon request of the applicant.

## **7.13 RECORDS AMENDMENTS**

Government records held by the District may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the District and shall set forth, with specificity, the amendment or correction requested. When an amendment or correction of a government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise in the Act or other State or Federal law.

## **7.14 PENALTIES**

**7.14.1 Knowing Violation.** District employees who knowingly refuse to permit access to records in accordance with the Act and this Policy, who knowingly permit access to non-public records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of the Act, this Policy or other applicable law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

**7.14.2 Limitation on Damages.** In accordance with the Act, neither the District nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

## 7.15 RECORDS OFFICER

There shall be appointed a District Records Officer to oversee and coordinate records access, management and archives activities. The Records Officer shall make annual reports of records services activities to the District Board of Trustees.

## 7.16 RECORDS MAINTENANCE

- 7.16.1 **Procedures.** Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve District records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of District records. He/she shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records.
- 7.16.2 **Ownership of Records.** All District records shall remain the property of the District unless federal or state legal authority provides otherwise. Property rights to District records may not be permanently transferred from the District to any private individual or entity, including legally disposable, obsolete District records. This prohibition does not include providing copies of District records otherwise produced for release or distribution under this chapter.
- 7.16.3 **Custodian of Records.** Custodians of any District records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the District Records Officer.