

ORDINANCE NO. 95-912

DATE: 9-11-95

AN ORDINANCE AMENDING RICH COUNTY ORDINANCE 1-92, WHICH IS AN ORDINANCE ESTABLISHING COUNTY POLICIES REGARDING THE MAINTENANCE, PRESERVATION OF ACCURATE PUBLIC RECORDS; PROVIDING FOR ACCESS TO RECORDS BY MEMBERS OF THE PUBLIC AND IN ACCORDANCE WITH APPROPRIATE STATE STATUTE; SETTING OUT RESPONSE TIME REQUIREMENTS AND FEE FORMULAS FOR PUBLIC RECORD ACCESS REQUESTS; DESIGNATION OF RECORD MANAGERS, AND RECORDS SERVICES; AND ESTABLISHING OTHER PROCEDURES REGARDING THE STORAGE OF AND ACCESS TO GOVERNMENTAL RECORDS HELD BY THE COUNTY.

SECTION 1. The Board of Commissioners of Rich County hereby amends Ordinance 1-92 as follows:

SECTION 2. SECTION 7 said Ordinance shall be amended to read as follows:

A. The County recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The County also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or non-public status is not specifically established by the Act or another statute, by this ordinance, or by policies established or designations made under this ordinance, the public's right to access and the subject's right of privacy must be compared. The County shall not release any records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and procedures established in this ordinance. Under circumstances and procedures established by this ordinance, certain items of data may be rendered no-public, although other items of data in the record, or the record itself, may be classified public. County records regarding named or readily identifiable individuals which deal with

matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record, in accordance with accepted standards of social propriety, or if release may constitute a clearly unwarranted invasion of privacy, shall generally not be classified as public records, in accordance with the Act and procedures established in this ordinance, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

B. The County may, as determined appropriate by the director of the agency responding to a request for records, notify the subject of a record that a request for access to the subjects's record has been made.

All county records and records series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this Chapter. The County may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular record or item of data until access thereto is requested. 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 and proposed schedules submitted to the County Records Officer who shall be assisted by a Records Classification and Retention Review Committee consisting of the Records Officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the County Attorney as

needed. Designation, classification and retention scheduling forms and guidelines shall be prepared and promulgated by the Records Officer and the Records Policy Administration.

C. The County may require that the requester of classified, private or controlled records provide a written release, notarized within thirty (30) days before the request, from the subject of the records in question before access to such records is provided.

SECTION 3. The first sentence of SECTION 15 shall be amended to read as follows:

A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve County records safely and accurately as provided in §63-2-903 UCA as amended.

SECTION 4. This ordinance shall become effective fifteen days after its passage and upon posting as provided by law, one publication in a newspaper published in and having general circulation in Rich County.

APPROVED and ADOPTED this 11th day of ~~June~~^{Sept.}, 1995.

BOARD OF COUNTY COMMISSIONERS

By Blair R. Francis
Chairman

ATTEST:

Pamela Shaul
Rich County Clerk

Commissioner _____ voted y
Commissioner _____ voted y
Commissioner _____ voted y

a: /to/ ordinance amended