

SALT LAKE CITY ORDINANCE

No. 85 of 1994

(Classification, retention and management of City records; procedures to access public City records; security of non-public City records; the appeals process for persons aggrieved by a determination regarding a City record; and the authority and responsibility of the Records Committee and the Records Appeals Board)

AN ORDINANCE ENACTING CHAPTER 64, TITLE 2, OF THE SALT LAKE CITY CODE RELATING TO THE CLASSIFICATION, RETENTION AND MANAGEMENT OF CITY RECORDS; SECURITY OF NON-PUBLIC CITY RECORDS; PROCEDURES TO ACCESS CITY PUBLIC RECORDS; THE APPEALS PROCESS FOR PERSONS AGGRIEVED BY A DETERMINATION REGARDING A CITY RECORD; AND THE AUTHORITY AND RESPONSIBILITY OF THE RECORDS COMMITTEE AND THE RECORDS APPEALS BOARD.

PREAMBLE

The Government Records Access and Management Act, sections 63-2-101 et seq. of the Utah Code Ann., establishes criteria and procedures relating to the classification and disclosure of government records. Further, as acknowledged by the Act, other State and Federal statutes, Court Rules and Federal Regulations govern access to City records.

Section 63-2-701 of the Utah Code Ann. provides that each political subdivision may adopt its own ordinance, consistent with the Act, which would be applicable throughout its jurisdiction, relating to its records practices, including classification, retention and management of its records; security of its non-public records; procedures to access its public

records; the appeals process for persons aggrieved by its determination regarding a record, procedures to deny access to its non-public records and amendment of its records.

The City wants to enact an ordinance pursuant to Section 63-2-701 of the Utah Code Ann. which will be applicable to the specific needs and operations of the City and reflect, not only the provisions of the Act, but also other laws regarding access to City records.

Be it ordained by the City Council of Salt Lake City, Utah:

**Section 2.64.010 Purpose.**

A. The purpose of this Ordinance is to provide, consistent with the Utah Government Records Access and Management Act, (the "Act"), and other State and Federal law, criteria and procedures relating to the records practices of the City including:

- (1) classification and designation of City records pursuant to the Act;
- (2) procedures to access public City records;
- (3) procedures to deny requests for access to non-public City records;
- (4) process to appeal decisions regarding City records;
- (5) management and retention of City records; and
- (6) amendment to City records.

B. It is the intent of the City to:

- (1) maintain and preserve accurate records;
- (2) provide, on request, access, within a reasonable

time and at a reasonable cost, to City records which are defined by law as open to the public; and

(3) retain the security of City records which are "private"; "protected"; "controlled"; and records to which access is restricted pursuant to a court rule, Utah statute, Federal statute, or Federal regulation.

**Section 2.64.020 Definitions.**

As used in this Chapter, the following definitions shall be applicable:

A. "Act" shall refer to the Government Records Access and Management Act, sections 63-2-101 et seq. of the Utah Code Ann.

B. "Chronological logs" means the regular and customary summary records of City law enforcement and public safety divisions that show the time and general nature of police, fire and paramedic calls, and any arrests or jail bookings made.

C. "City Council Records Appeals Board" means the Board established under Section 2.64.140 of this Chapter.

D. "Classification", "classify" and their derivative forms mean determining whether a record series, record or information within a record is "public", "private", "controlled", "protected" or "limited".

E. (1) "Computer software program" means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how

to operate the computer program.

(2) "Computer software program" does not mean:

(a) the original data, including numbers, text, voice, graphics and images;

(b) analysis, compilation and other manipulated forms of the original data produced by use of the program; or

(c) the mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

F. (1) "Contractor" means:

(a) any person who contracts with the City to provide goods or services directly to the City; or

(b) any private, nonprofit organization that receives funds from the City.

(2) "Contractor" does not mean a private provider.

"Private provider" is any person or entity who contracts with the City to provide services directly to the public.

G. "Controlled" records shall be those records defined as controlled under the provisions of this Chapter and the Act.

H. "Data" shall refer to individual entries in the records.

I. "Department" or "departments" shall mean the separate administrative departments in the City as defined in the Salt Lake City Code.

J. "Designate" or "designation" means to give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

K. "Governmental Entity" means the State of Utah and its political subdivisions including their boards, commissions, departments and advisory committees.

L. "Limited records" shall refer to records whose access is limited by a specific State or Federal statute, Court Rule or Federal Regulation.

M. "Mayor's Records Appeals Board" means the Board established under Section 2.64.140 of this Chapter.

N. "Non-public" records shall refer to those records defined as "private", "controlled", "protected", or those records limited by a State and Federal statute, Federal and State Regulations or Court Rules.

O. "Private" records shall refer to those records classified as "private" under the provisions of this Chapter and the Act.

P. "Protected" records shall refer to those records classified as "protected" under the provisions of this Chapter and the Act.

Q. "Public" records shall refer to those records which have not been defined as non-public in accordance with the provisions of this Chapter and the Act.

R. (1) "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, received, or retained by the City where information in the original is reproducible by photocopy or other mechanical or electronic means.

(2) "Record" does not mean:

(a) daily calendars and other personal notes, temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

(b) materials that are legally owned by individuals in their private capacity;

(c) materials to which access is limited by the laws of copyright or patent;

(d) proprietary software;

(e) books and other materials that are catalogued, indexed, or inventoried and contained in the collections of City libraries open to the public, regardless of the physical form or characteristics of the material;

(f) notes or internal memoranda prepared, as part of the deliberative process, by any City employee, or members of boards and commissions acting in a quasi-judicial process; or

(g) software programs as defined in subsection (E) that are developed or purchased by the City for its own use.

S. "Records Committee" means the City's Records Committee established in Section 2.64.160 of this Chapter.

**Section 2.64.030 Access to public records.**

A. Persons shall have the right to inspect, review, examine, and take copies of City records designated as "public" under this Chapter, upon compliance with the procedures provided in this Chapter.

B. The City has no obligation to create a new 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.

**Section 2.64.040 Public records.**

All City records are considered "public" unless they are designated or classified otherwise in accordance with procedures established by this Chapter consistent with the Act, or made non-public by other applicable law, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds. "Public" records include those records listed in Section 301 of the Act and shall be made available to any person.

**Section 2.64.050 Private records.**

A. "Private" records shall include the following:

(1) city records defined as "private" in Section 63-2-

302 of the Act;

(2) city records classified or designated as "private" in accordance with procedures established in this Chapter and the Act;

(3) as provided in Section 63-2-302 of the Act, "private" records include records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

B. "Private" records shall be made available to the following persons:

(1) the subject of the record;

(2) the parent or legal guardian of an unemancipated minor who is the subject of a record;

(3) legal guardian of a legally incapacitated individual who is the subject of the record; or

(4) any person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from the subject of the record or the subject's legal representative, or

(5) any person presenting an order issued by a court of competent jurisdiction.

**Section 2.64.060 Controlled records.**

A. "Controlled" records shall be those City records defined as "controlled" in Section 63-2-303 of the Act or as classified or designated as "controlled" pursuant to procedures established in this Chapter consistent with the Act.

B. "Controlled" records shall be made available to a physician, psychologist or certified social worker who submits a notarized release, dated not more than ninety (90) days prior to the request, from the subject of the record or any person presenting an order issued by a Court of competent jurisdiction.

**Section 2.64.070 Protected Records.**

A. "Protected" records shall be:

(1) city records defined as "protected" in Section 63-2-304 of the Act;

(2) city records designated or classified as "protected" according to the procedures established in this Chapter consistent with the Act;

(3) "drafts", as provided in Section 63-2-304(21) of the Act, which may include records of the Mayor's office or the City Council relating to budget analysis and fiscal notes of proposed budgets before issuance of their final recommendations;

(4) as provided in Section 63-2-304(8) of the Act, records which, if released, could reasonably be expected to interfere with investigations undertaken for discipline purposes including City records pertaining to internal investigation of City employees such as investigations by the Internal Affairs Division of the City's Police Department;

(5) (a) as provided in Section 63-2-304(8) of the Act, records created or maintained for discipline

purposes against City employees unless:

(1) all available remedies have been exhausted by the employee, including the internal grievance procedures and proceedings before administrative agencies;

(2) all time periods for appeal have expired; and

(3) the disciplinary action was sustained.

(b) Notwithstanding subsection A(5)(a)(1), (2) and (3), a record or parts of a record maintained for discipline purposes shall not be disclosed if the release of the record or part of the record:

(1) reasonably could be expected to interfere with investigations undertaken for discipline or enforcement purposes;

(2) reasonably could be expected to disclose the identity of a source who is not generally known outside of government or disclose information furnished by a source not generally known outside of government if disclosure would compromise the source;

(3) reasonably could be expected to disclose investigative techniques, procedures, policies or orders not generally known outside of government if disclosure would interfere with enforcement or

audit efforts; or

(4) reasonably could be expected to jeopardize the life or safety of an individual.

B. "Protected" records shall be made available to:

(1) the person who submitted the information in the record,

(2) a person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from a person whose interests were sought to be protected by the "protected" classification or their legal representative; or

(3) any person presenting an order issued by a court of competent jurisdiction.

**Section 2.64.080 Limited records.**

"Limited" records shall be those records whose access is limited by a specific State or Federal statute, Federal Regulations or Court Rule, including Section 10-3-1212 of the Utah Code Ann. "Limited" records shall be made available as provided in the specific statute, regulation and rule which protects the record.

**Section 2.64.090 Sharing Records.**

The City may disclose a record classified as "private", "controlled" or "protected" to another governmental entity if the other governmental entity complies with Section 63-2-206 of the Act. The City may provide a "private", "protected" or "controlled" record to another governmental entity if the record

is necessary to the performance of the governmental entity's duties and functions; the record will be used for a purpose similar to the purpose for which the information in the record was collected or obtained; and the use of the record produces a public benefit that outweighs the individual privacy right that protects the record.

**Section 2.64.100 Privacy interest in a City record.**

A. The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The City also recognizes that the Act establishes a presumption that governmental records will generally be considered open and public with certain exceptions. The City may, at its discretion, disclose records that are "private" or "protected" as defined in the Act and this Chapter to persons other than those specified in Sections 2.64.050 and 2.64.070 if the Mayor or the City Council determines that there is no interest in restricting access to the record, or that the interest favoring access outweighs the interest favoring restriction of access. Public access is favored when countervailing interests are of equal weight. The City shall not release any record when to do so would constitute a clearly unwarranted invasion of privacy in accordance with the Act and procedures established in this Chapter. Under circumstances and procedures established by this Chapter, certain data in a record may be rendered non-public, although the record itself may be classified or designated as "public".

B. If the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information the requester is not entitled to inspect under this Chapter and the Act, the City shall allow access to information in the record that the requester is entitled to inspect under this Chapter and the Act; and may deny access to information in the record if the information is exempt from disclosure to the requester under this Chapter and the Act.

C. The City may require that the requester of the "private" and "controlled" records, in contested cases, provide a written release, dated not more than ninety (90) days prior to the date of the request, from the subject of the record in question before access to such record is provided.

**Section 2.64.110 Classification, designation and retention of records.**

All City records and records series shall be evaluated, designated, classified and scheduled for retention consistent with the provisions of the Act and this Chapter. The City may classify a particular record, record series, or information within a record at any time, and is not required to classify a particular record, record series or information until access to the record is requested. The City may redesignate or reclassify records at any time. Any record or record series generated in the future shall also be so designated, classified and scheduled for retention. Records classification, designation and scheduling for retention shall be conducted under the supervision

of the City Recorder, who shall be assisted, as necessary, by the Records Committee which is established in Section 2.64.160 of this Chapter. Classification, designation and retention guidelines shall be prepared and promulgated by the Records Committee.

**Section 2.64.120 Response to request for records.**

A. Requests, either verbal or written, for a City record shall be made to the Department or the City Council Office, if applicable, maintaining the record in question. The Department or the City Council Office, if applicable, may respond to a verbal request consistent with the provisions of this Chapter. The Department or the City Council Office, if applicable, may require the requester to fill out and present a written request. The written request may be on forms prepared by the Records Committee. The written request shall include the name, mailing address, daytime telephone number, if available, of the requester, and a description of the records requested that identifies the record with reasonable specificity. Requesters of non-public records shall adequately identify themselves and, if applicable, their status when requesting access to non-public records. The date and time of the request shall be included on the written request and all time frames provided under this Chapter shall commence from that time and date. Request for records shall, to the extent possible, be responded to within ten (10) business days after receipt of the written request or within five (5) business days after receiving a written request if the

requester demonstrates that an expedited response benefits the public rather than the person. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person. If the Department, or the City Council Office, if applicable, does not have custody of the record, it shall request the appropriate Department or the Office of the City Council, if applicable, to respond.

B. The appropriate Department or the City Council Office, if applicable, shall respond to a request for a record by:

- (1) approving the request and providing the records;
- (2) denying the request;
- (3) notifying the requester that the City does not maintain the record;
- (4) notifying the requester that it cannot respond to the request within the period of time specified in subsection A above, stating the reason or reasons for the delay as provided in subsection C; or
- (5) such other appropriate response as may be established in the Act or this Chapter.

C. (1) In most circumstances and excepting those eventualities set out in this subsection C (2), the appropriate Department or the City Council Office, if applicable, shall respond to a written request for a "public" record within the time period specified in Section 2.64.120.A of this Chapter.

(2) The following extraordinary circumstances shall justify the City's failure to respond to a written request for a record within the specified time period and shall extend the time for response thereto to that time reasonably necessary to respond to the request:

(a) the Department or the City Council office or some other governmental entity is currently and actively using the record requested;

(b) the record is being used as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;

(c) the record requested is for either a voluminous quantity of records or requires the appropriate Department or the City Council Office, if applicable, to review a large number of records or perform extensive research to locate the materials requested;

(d) the appropriate Department or the City Council Office, if applicable, is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads;

(e) the request involves legal issues that require an analysis by legal counsel to determine the proper response to the request;

(f) the request involves extensive editing to separate public data in a record from that which is

non-public; or

(g) providing the information in the format requested, or separating public information from that which is non-public, requires computer programming.

(3) If the time limits are extended based on extraordinary circumstances provided in this subsection, the response to the request shall be made as soon as reasonably possible.

(4) When a timely response cannot be made to a record request, the appropriate Department or the City Council Office, if applicable, shall notify the requester that it cannot immediately approve or deny the request because of one or more of the extraordinary circumstances stated in subsection (2)(c) and shall provide the requester with an estimate of the time required to respond to the request. If the appropriate Department or the City Council Office, if applicable, fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

(5) In response to a request for access, the appropriate Department or the City Council Office, if applicable, may redesignate or reclassify the record or segregate data in the requested record in accordance with this Chapter and the Act.

D. (1) If the request for records is denied in whole or part, the Department or the City Council Office, if

applicable, shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.

(2) The notice of denial shall contain the following information:

(a) a description of the record or portions of the record to which access was denied, provided that the description does not disclose "private", "controlled", "protected", "limited" or other non-public information as defined in the Act and this Chapter;

(b) citations to the provisions of the Act, this Chapter, ordinance, State statute, Federal statute, Federal regulation or Court Rule that exempts the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, protected, limited or other non-public information; and

(c) a statement that the requester has the right to appeal according to the provisions of Section 2.64.130 of this Chapter, the time limits for filing an appeal, and the name and business address of the City Recorder's office.

(3) Unless otherwise required by a court of competent jurisdiction, the City may not, during the appeal process, destroy or give up custody of any record to which access was

denied.

E. The failure or inability of a Department or the City Council Office, if applicable, to respond to a request for a record within the time frames set out herein, or the Department's or City Council Office's denial of such a request, shall give the requester the right to appeal as provided in Section 2.64.140 of this Chapter.

F. The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.

**Section 2.64.130 Fees or charges for records services.**

A. A fee may be charged for paper-to-paper photocopying not to exceed ten cents (\$.10) per copy.

A fee, not to exceed ten dollars (\$10.00) per hour, may be charged for the following employee's time, however, no charge may be made for the first quarter hour of said time:

1. the staff time incurred for summarizing or compiling the record into an organization or media to meet the person's request;

2. the staff time incurred for search, retrieval, and other direct administrative time incurred for complying with a request; and

3. in the case of a record that is the result of computer output other than word processing, the actual incremental staff time incurred in providing the electronic services and products together with a reasonable portion of

the staff time associated with formatting or interfacing the information for particular users, and the administrative time as set forth in Subsections A(1) and (2).

B. 1. A fee may be charged for copies of traffic accident reports of not more than the fee charge for similar reports by the State of Utah.

2. A fee of not more than five dollars and fifty cents (\$5.50) may be charged for mylar or vellum prints 24" x 36".

3. A fee of not more than two dollars (\$2.00) per square foot may be charged for prints made on mylar or vellum sheets larger than 24" x 36".

4. A fee of not more than one dollar and twenty-five cents (\$1.25) may be charged for a copy of a size C blueprint.

5. A fee of not more than two dollars and twenty-five cents (\$2.25) may be charged for a copy produced on a microfilm printer which utilizes silver paper.

6. A fee of not more than ten cents (\$.10) may be charged for a copy made from microfilm utilizing a plain paper printer.

7. A fee of not more than five dollars (\$5.00) may be charged for a copy from a photograph.

8. A fee, not to exceed, the actual costs of the recording media and ten dollars (\$10.00) per hour for a City employee's time, may be charged to copy recording tapes or,

to copy computer readable records to a computer readable form (e.g., discs) .

C. The City may fulfill a request, without charge, if it determines that:

1. releasing the record primarily benefits the public rather than a person;

2. the person requesting the record is the subject of the record, or an individual specified in Section 2.64.050B of this Chapter;

3. the rights of persons requesting the records are directly implicated by the information in the record, and the requester is impecunious.

D. A person who believes that there has been an unreasonable denial of a fee waiver under Subsection C may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 2.64.140 of this Chapter.

E. The City may not charge a fee for:

1. reviewing a record to determine whether it is subject to disclosure; or

2. inspecting a record.

**Section 2.64.140 Appeals by persons aggrieved by the City's classification of a record or by a response to a record request.**

A. Persons aggrieved by the City's classification of a record or by a response to a record request may demand and be

granted an administrative appeal of that decision.

(1) For records maintained by City Departments at the time of the request, the appeal shall be made to a Board, known as the Mayor's Records Appeals Board, consisting of the City Recorder or designee, a member from the public appointed by the Mayor and three members of the Records Committee appointed by the Mayor; provided however, that the member shall not be from the Department whose record is the subject of the appeal. The City Recorder or designee shall be the chairperson of the Board. The Mayor shall appoint one alternate member from the public and an alternate member from the Records Committee who shall serve if an appointed member cannot serve for any reason. The term of the appointment for each member shall be two years.

(2) For records maintained by the City Council Office at the time of the request, the appeal shall be made to a Board, known as the City Council's Records Appeals Board, consisting of the City Recorder or designee, three members of the Records Committee excluding any member from the City Council office and one member of the public appointed by the City Council. The City Recorder or designee shall be the chairperson of the Board. The City Council shall appoint one alternate member from the public and an alternate member from the Records Committee who shall serve if an appointed member cannot serve for any reason. The term of the appointment for each member shall be two years.

B. An appeal under this section shall be brought within thirty (30) calendar days from the date of the City's classification of a record or response to a records request. The notice of appeal must be in writing and filed with the City Recorder and shall set forth the relief sought, the nature and date of the request, if applicable, attaching a copy of the request form, if available, and stating the basis and legal authority to support the relief sought.

C. After receiving notice of appeal, the City Recorder shall schedule a hearing for the appropriate Board to hear the appeal which shall be held within fifteen (15) business days from the date of the filing of the appeal. If the Board fails to hear the appeal within the time limits described herein, the appeal shall be deemed denied.

D. The City Recorder's office shall send a written notice of the date and location of the hearing to the requester, and notice to members of the appropriate Board and the appropriate Department Director or the Director of the Office of the City Council, if applicable.

E. The hearing shall be conducted in accordance with policies adopted by the City and the Utah Open Meetings Act.

F. At the hearing, the Board shall allow the parties to testify, present evidence and comment on the issues. The Board may review the disputed records. The review shall be in camera. Members of the Board may not disclose any information or record reviewed by the Board in camera unless the disclosure is

otherwise authorized by this Chapter and the Act. Discovery by the parties is prohibited. The Board may issue subpoenas or other orders to compel production of necessary evidence. No later than five (5) business days after the hearing, the Board shall issue a decision.

1. The decision of the Board shall include:

(a) a statement of the reason for the decision, including citations to this Chapter and the Act that govern disclosure of the record provided that the citations do not disclose "private", "controlled", "protected", "limited" or other non-public information;

(b) a description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose "private", "controlled", "protected", "limited" or other non-public information; and

(c) a statement that any party to the appeal may appeal the Board's decision to the State District Court or the State Records Committee, as provided in Section 63-2-403 of the Act, within thirty (30) calendar days after the date of the Board's written decision.

2. If the Board fails to issue a written decision and forward it to the requester within five (5) business days after the hearing, the appeal shall be deemed to be denied.

3. The Board may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure of records, order the disclosure of information properly classified as "private" or "protected" if the interests favoring access outweigh the interests favoring restrictions of access.

G. Any party to the proceeding before the Board may petition for review of the Board's decision by the State Records Committee as provided in Section 63-2-403 of the Act or the State District Court. The petition shall be filed no later than thirty (30) calendar days after the date of the Board's written decision or upon expiration of the time set forth in Section 2.64.140(F)(2) of this Chapter.

**Section 2.64.150 Limitation of liability.**

Neither the City, its employees, boards or commissions shall be liable for damages resulting from the release of a record where the requester has presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority or that the release resulted in a clearly unwarranted invasion of privacy.

**Section 2.64.160 City's Record Committee.**

A. The City Recorder's office shall oversee and coordinate the City's records access and management and archives activities.

B. There is hereby created the Records Committee, to be chaired by the City Recorder or designee. Members of the Records Committee shall include, but not be limited to, the City Recorder

or designee, a representative from each Department, a representative from the Mayor's office and a representative from the City Council Office. The Records Committee shall meet periodically, as determined by the Records Committee, and the City Recorder or designee. Records of the Records Committee shall be maintained by the City Recorder's office.

C. Each Department and the City Council Office shall appoint a records representative to assist with and be directly responsible for the implementation of this Chapter regarding their records. Regular training shall be coordinated under the direction of the Records Committee.

D. The Records Committee shall develop, as needed, records management and access policies and procedures to govern and implement the provisions of the Act and this Chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this Chapter and the Act. Copies of all rules and policies promulgated under this Chapter shall be forwarded to the Utah State Division of Archives.

**Section 2.64.170      Development of policies and guidelines  
relating to retention and maintenance of City  
records.**

A. The Records Committee shall develop policies and guidelines relating to the retention and maintenance of City records. Records maintenance policies and procedures shall be developed to ensure that due care is taken to maintain and preserve City records. Policies and regulations regarding types

and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment and techniques shall be developed and promulgated by the Records Committee.

B. Property rights to City records may not be permanently transferred from the City to any private individual or entity, including those legally disposable as obsolete City records. This prohibition does not include the providing of copies of City records otherwise produced for release or distribution under this Chapter.

**Section 2.64.180 Receiving, storing and preserving City records.**

It is the responsibility of the City Recorder to receive, store and preserve City records and to store and to provide reasonable access to them in compliance with this Chapter and the Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by the City shall be developed and promulgated by the City Recorder. The office of the City Recorder shall be considered the formal and official repository of City records including historical records.

**Section 2.64.190 Computerized records.**

A. The City retains and reserves to itself the right to use any type of non-verbal or non-written formats to store, maintain or retrieve City records which are not prohibited by state statute, and does not compromise legal requirements for record storage, retrieval, security and maintenance. All computerized and non-written format records and data which are properly

designated and classified as "public" in accordance with the Act and this Chapter, shall be made available to a requester as provided in this Chapter and the Act.

B. The public shall have the right to access records, in accordance with the Act and this Chapter, contained in non-written formats or data processing systems. The method of access to such "public" records shall be as determined appropriate by the Director of the Department or the City Council Office maintaining the records, considering all the circumstances, provided, however, that a Director of a Department or the City Council office shall not use the physical form, electronic or otherwise, in which a record is stored, to deny the right to inspect and receive copies of a record under this Chapter and the Act. Access may include, but not be limited, to the following:

(1) by using a City computer terminal or other viewing or listening device to retrieve data directly from the terminal screen; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

(2) by providing paper or "hard" copies of record printouts or by providing magnetic tapes, discs, or other means of electronic storage containing the computer, data processing or other electronic information system records;  
or

(3) by the use, where appropriate, of remote terminals

which have access to City computer, data processing or electronic information systems permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

C. All data retained on computer, data processing or electronic information systems shall be kept and maintained with due diligence to protect the security of any record which is considered non-public under the Act and this Chapter. The Records Committee shall develop policies and regulations regarding the nature and duration of the storage of any "public" or non-public record, contained or stored upon non-written formats or data processing systems.

**Section 2.64.200 Accommodations for persons with disabilities.**

Reasonable accommodations regarding access to City records shall be provided to persons with disabilities in accordance with policies developed under this Chapter.

**Section 2.64.210 Amendment or correction of record.**

Records held by the City may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing, to the Department or the City Council Office, if applicable, maintaining the record in question, setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a City record is made, generally only the amended or corrected record shall be retained, unless the nature of the

record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this Chapter.

**Section 2.64.220 Disciplinary action for knowing violation of this Chapter.**

A City employee who knowingly refuses to permit access to records in accordance with the Act and this Chapter, or who permits access to non-public records knowing that such access is prohibited, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this Chapter, or other law or regulation, may, in addition to the penalties established in the Act, be subject to disciplinary action, including termination.

**Section 2.64.230 Effective date.**

This ordinance shall be deemed effective on its first publication.

Passed by the City Council of Salt Lake City, Utah, this 4th day of October, 1994.

Alan Hardman  
CHAIRPERSON

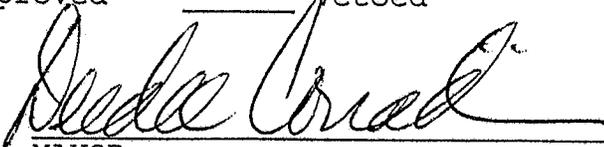
ATTEST:

[Signature]  
CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 9-12-94  
By [Signature]

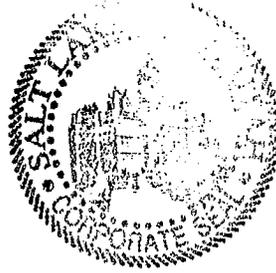
Transmitted to the Mayor on October 4, 1994.

Mayor's Action:  Approved  Vetoed

  
MAYOR

ATTEST:

  
CITY RECORDER



Bill No. 85 of 1994  
Published October 11, 1994