

TOWN OF STOCKTON  
RECORDS MANAGEMENT POLICY  
1993

*adopted  
3-1-93  
elm*

As required by State law, the Town of Stockton has set up a records management policy as set forth in this document. (See Utah Code 63-2-305 & 306)

RECORD TYPES

1. PUBLIC - All records are public except when they contain information permitted to be treated confidentially under the provision of subsections 63-2-201(3-b) and (6-a) of the State Code. The Town of Stockton does not consider rough drafts, Clerk's notes, minutes before approval, tapes made for the aid of the Clerk to type any document, computer disks (as the hard copy becomes the record), any document before it is accepted by the Mayor and/or Town Board, to be a Public Record.

2. PRIVATE - The following records are private. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels; records concerning an employee that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, payroll deductions; records of an employee concerning performance evaluations and personal status information such as race, religion, or disabilities; other records containing data on individuals the disclosure of which would constitute an invasion of personal privacy; see Utah Code 63-2-302 for other records and for exemptions.

3. CONTROLLED - A records is controlled if it contains medical, psychiatric, or psychological data about an individual; see Utah Code 63-2-303 for other records and exemptions.

4. PROTECTED - The following records are protected. Commercial or financial information acquired or prepared to the extent that disclosure would lead to financial speculations that will interfere with a planned transaction or cause substantial financial injury to the Town of Stockton; records the disclosure of which would impair procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the Town of Stockton; records that would identify real property or the appraisal or estimated value of real or personal property, including the intellectual property, under consideration for acquisition before any rights to the property are acquired unless the public interest outweighs the Town's need or the information has already been disclosed to persons not employed or under a duty of confidentiality to the Town; records prepared in contemplation of sale, exchange, lease, rental or other compensated transaction of real or personal property; records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification or registration purposes (see Utah Code 63-2-304(8)(a-e)); records the disclosure of which would jeopardize the security of governmental property; records prepared solely in anticipation of litigation that are not available under the rules of discovery; records of communications between the Town and their attorney if the communications would be privileged as provided in Utah Code 78-24-8; drafts; records concerning strategy

about collective bargaining or pending litigation; records of investigations of loss occurrences; transcripts; minutes, or reports of the closed portion of a meeting; see Utah Code 63-2-304 for other records and exemptions.

#### ACCESS TO RECORDS

1. PRIVATE records may be shown to or copied for the subject of the record; legal guardian of the record; someone with Power of Attorney for subject of the record; or someone with a notarized release from the subject of the record.
2. CONTROLLED records may be shown to or copied for a physician, psychologist, or certified social worker with a notarized release from the subject of the record, any person to whom the record must be disclosed as per a court order. Anyone receiving this information must keep the information confidential.
3. PROTECTED records may be shown to or copied for the person who submitted the record, anyone with Power of Attorney concerning the subject of the record, anyone with a notarized release concerning the subject of the record, or a court order.
4. PUBLIC records may be shown to or copied for any person requesting such records in the manner described in the following section.

#### RECORD REQUESTS

A person making a request to view or copy records shall make that request in writing (forms are provided) to the Records Officer. They shall provide on the form, name, mailing address, and day time phone number along with a list of the records wanted.

The Records Officer shall, as soon as reasonably possible, but no more than 10 days, respond to the request by:

1. Approve the request and provide the record.
2. Deny the request (see denials following this section).
3. Notify the requester that the record is not maintained at this office and, if possible, provide information as to where the record can be obtained.
4. Notify the requester that because of extraordinary circumstances (see Utah Code 63-2-204 (4)) the request cannot be immediately approved or denied.

The Records Officer need not fulfill a person's records request if the request unreasonably duplicates prior records requests from that person.

#### DENIALS

If the Records Officer denies the request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.

The Notice of Denial shall contain a description of the record, the reason for the denial, and a statement that the requester has the right to appeal the denial to the Town Council within 30 days of the denial.

#### FEEES

The Records Officer may charge a reasonable fee to cover the actual cost of duplicating a record or compiling a record in a form other than that maintained. Fees are to be set by the Town Council by Ordinance or written formal policy through the budget process.

Fees established are:           \$.15 per page copied  
                                  \$5.50 per hour for research  
  and copying  
                                  Postage fees if the material has  
  to be mailed

Fees may be waived if releasing the record primarily benefits the public rather than a person, the individual requesting the record is the subject of the record, the requester's legal rights are directly implicated by the record.

The Records Officer shall not charge a person for reviewing a record.

Fees collected shall go to the General Fund to offset costs of duplicating the record.

#### GENERAL POLICY

Records for the Town of Stockton shall be maintained by the designated Records Officer and shall be classified and kept according to the Utah State Code 63-2-201 thru 402, and the retention schedule set up by the State Records Committee.

In July and August every year the Records Officer shall retire old files and set up files for the current year.

In August and September the Records Officer shall review retired files and destroy, by shredding or burning, files that have reached the end of their retention period.

Records shall not be taken out of the office, except as duplicated or in an emergency. If records are taken out of the Office they shall be signed out by the Records Officer and the individual using the record.

The Town of Stockton records are divided into two sections: General Subject and Department Records. These sections are also divided into subsections and each subsection is color coded. Attached to this policy are lists of the records, kept by the Town of Stockton, by section and by alphabetical listing. These lists shall be updated by the Records Officer as needed or at least yearly as records are retired and new ones created.