

## RECORDS MANAGEMENT AND ACCESS

This is a summary and description of the Records Management and Access Policy and Rules and Regulation as approved by the Alpine School District Board of Education:

1. Records. Records have been defined according to the language found in the Government Records Access and Management Act, II. Certain kinds of personal documents generated and used by management personnel have been excluded from the definition.
2. Records Management. Records will be managed by a District Records Manager appointed by the Superintendent. Records will be managed according to the provisions in the Act.
3. Records Requests. Requests to view or copy records must be submitted on a request application.
4. Response to Requests. Requests for records will be followed by notice that the request is approved or denied. The notice of denial will include reasons for denial or a date when the record(s) will be available.
5. Fees. Actual fees are not listed in the policy; however, guidelines for charging fees consistent with the Act are included.
6. Denial. The notice of denial will include the reasons for denial and the time limit for filing an appeal.
7. Appeal. The appeal section of the policy describes the process from the appeal to the District Superintendent to the possibility of subsequent appeals to the State Records Committee and the District Court.
8. Segregation of Records. Records will be segregated to give requesters access to records they are entitled to inspect or record.
9. Amendment of Records. A process is provided whereby individuals may request records be changed to make them more accurate or complete.
10. Classification of Records. Records have been classified as Public Records, Private Records, Controlled Records, or Protected Records. A definition and examples are included with each of the four classifications along with a description of the person or persons who can gain access.

COMMUNITY

1.0 The records of Alpine School District will be managed according to the following rules and regulations:

1.1 The purpose of the following rules is to provide procedures for records management and records access in the Alpine School District:

1.1.1 Records

1.1.1.1 "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, used, received or retained by the District where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

1.1.1.2 For the purpose of this policy, "records" do not include: temporary drafts or other materials prepared for the originators personal use or for the personal use of another, personal notes, notes kept in personal journals, diaries or other day timers, notes of informal observations, notes of evaluations, or materials owned by the originator in his or her private capacity.

1.1.2 Records Management

1.1.2.1 A District Records Manager to process records requests and to deal with other records issues shall be appointed by the Superintendent. The records administrator shall serve as the District's liaison to Utah State Archives.

1.1.2.2 Alpine School District records shall be managed by the administrative staff of each school and department under the direction of the District Records Manager.

1.1.2.3 Alpine School District records shall be managed and retained in accordance with the provisions of Section 63-2-903.

1.1.3 Records requests:

1.1.3.1 Each requestor shall submit a written request to the records administrator specifically identifying those documents requested. The request shall include the name, mailing address and the daytime telephone of the requestor.

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- 1.1.3.2 Requestors must prove their right to access the record through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
- 1.1.3.3 In the event that a document is specifically identified and designated for copying, the requestor shall submit sufficient funds with the written request to pay for all copies requested to be copied.
- 1.1.3.4 The District shall respond to the request as soon as is reasonably possible, but no later than ten (10) business days after receiving the request or five (5) business days if the quicker response to the request benefits the public rather than the person.
- 1.1.4 The District may respond to an appropriate request by:
  - 1.1.4.1 Approving the request and providing the records.
  - 1.1.4.2 Denying the request.
  - 1.1.4.3 Notifying the requestor that it does not maintain the records.
  - 1.1.4.4 Notifying the requestor that extraordinary circumstances exist which make it impractical to approve or deny the request and specifying the earliest time when the records will be available.
- 1.1.5 Fees:
  - 1.1.5.1 A fee shall be charged for the actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record.
  - 1.1.5.2 The District shall require all past fees of the requestor to be paid before copying if fees are expected to exceed \$50.00, or if the requestor has not paid fees from a previous request.
  - 1.1.5.3 If an appropriate requestor requests to have copies of more than 50 pages of records, the District in its sole discretion may provide the requestor with facilities to make copies and require the requestor to make copies himself at his own expense.
- 1.1.6 Denial of request. In the event that the District either denies access to or the right to copy a requested document, a notice of denial will be given to the requester either in person or by sending the notice to the requesters address. The notice of denial shall include:

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- 1.1.6.1 A description of the record or portions of the record to which access was denied.
- 1.1.6.2 Citations of statute, court rulings, or policy which exempt requested record from disclosure.
- 1.1.6.3 A notice that the requester may appeal the denial to the District Superintendent.
- 1.1.6.4 The address of the District Superintendent and the time limit for filing appeal.

1.1.7 Appeal.

- 1.1.7.1 Any person denied access to a record may appeal the determination by filing a notice of appeal with the District Superintendent within 30 days of denial. The Notice of Appeal shall contain the petitioners name, address, phone number, relief sought, a short statement of the facts, and legal authority in support of the appeal.
- 1.1.7.2 The District Superintendent shall make a determination on the appeal within five business days of the receipt of the notice. If a determination is not made within this time period, it will be considered the equivalent of an order denying the appeal.
- 1.1.7.3 If the District Superintendent denies access in whole or in part, the Superintendent shall send a written statement to the requester advising that further appeal may be made to State Records Committee or the District Court as outlined under Section 63-2-403 and 63-2-404 of the Utah Code.

1.1.8 Segregation of Records. If a request is submitted for access to records which contain information the requester is entitled to inspect and information the requester is not entitled to inspect, the District Records Officer shall:

- 1.1.8.1 allow access to information the requester is entitled to inspect; and
- 1.1.8.2 deny access to information in the record the requester is not entitled to inspect.

1.1.9 Amendment of Records. Individuals may request the amendment of records they consider to be accurate or incomplete by submitting a request to the District Records Officer. Request for amendment of records and any subsequent appeals shall be handled as outlined in Section 63-2-603 of the Utah Code.

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- 1.1.10 Copyrighted or Patented Materials. Any document which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by patent, trademark or other protective designation, shall not be copied or provided to any person without an order of a court of competent jurisdiction ordering such disclosure.
- 1.1.11 Education Records. Student records shall be designated "education records" and such education records may not be released without parental consent, except as provided by the Family Educational Rights and Privacy Act (FERPA).
- 1.1.12 Public Records:
- 1.1.12.1 Public records include all District records which are not designated, classified or defined otherwise by the District with this policy or are made non-public by applicable law. District records classified as private records, controlled records, and protected records are excluded from the class known as public records.
- 1.1.12.2 Subject to the restrictions described in these Rules and Regulations, District documents are public records and are available to be inspected and copied from 9:00 a.m. to 3:00 p.m. on any business day.
- 1.1.13 Private Records:
- 1.1.13.1 Private Records shall be those District records classified as "private" as defined in Act 63-2-302 (UCA 1953 as amended) and as designated or classified in accordance with these rules and regulations.
- 1.1.13.2 Private Records include but are not limited to:
- a. All private personnel records contained in a personnel file, applications, nominations, recommendations, or recommendations for employment, advancement or appointment;
  - b. Any formal employee evaluation signed by the employee;
  - c. Records showing an individual's home address, home telephone number, social security number, insurance coverage, marital status, payroll deductions, race, religion or disabilities or military status;
  - d. Records touching upon an individual's eligibility for

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unemployment benefits, social services, or welfare benefits;

- e. Records touching upon an individual's personal finances; or
- f. Records touching upon any individual's medical or psychological condition, past or present;
- g. Records showing an individual's certification;
- h. Any record the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

1.1.13.3 Private Records shall be disclosed upon an appropriate request to:

- a. The subject of the records, or the parent or the legal guardian of an emancipated minor who is the subject of the record.
- b. The legal guardian of a legally incapacitated individual who is the subject of the private record or any individual who has a power of attorney or legal release from the subject of the record.
- c. Any person who submits a notarized release from the subject of the record dated no more than 90 days before the request.
- d. A court upon the court's submission of a court order.

1.1.14 Controlled Records:

- 1.1.14.1 Controlled Records are any records which contain medical, psychological or psychiatric data about an individual and which would be detrimental to the person's mental health or safety if disclosed.
- 1.1.14.2 After receiving an appropriate records request, the District will provide access to Controlled Records to a physician, a psychologist or a certified social worker so long as the request is accompanied by a release from the subject which is dated within 90 days of the request.
- 1.1.14.3 Controlled Records shall be released upon an order from a court of competent jurisdiction.
- 1.1.14.4 A person who receives a Controlled Record may not disclose controlled information from the record to any person, including the subject of the record.

1.1.15 Protected Records:

1.1.15.1 Protected Records shall be those District records classified as "protected" as defined in Act 63-2-304 (UCA 1953, as amended) and as designated or classified in accordance with these rules and regulations.

1.1.15.2 Protected Records include but are not limited to:

- a. Any document disclosing a trade secret;
- b. Test questions or answers;
- c. Any document the disclosure of which may give an unfair advantage to a person or entity proposing to enter into a contract;
- d. Records touching upon the value of real property owned by the District which may be considered for sale;
- e. Any record that may jeopardize the life or safety of an individual if disclosed;
- f. Any record that would violate the normal professional practice or medical ethics;
- g. Any records which may jeopardize the security of District property or programs;
- h. Records touching upon audits, audit techniques, procedures and policies;
- i. Records touching upon issues of actual or potential litigation;
- j. Records touching upon collective bargaining strategy;
- k. Records touching upon occurrences covered by the Division of Risk Management;
- l. Records touching upon deliberations of the Board of Education acting in a judicial or review of prior decision capacity; or
- m. Records touching upon formal evaluations not signed by the employee, appointment, retention or promotion of employees; records generated in a meeting closed in accordance with the Utah Open and Public Meetings Act;

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- n. Records not placed in an employee's personnel file which are maintained by individual supervisors or administrators;
  - o. Materials to which access must be limited for purposes of securing or maintaining the district's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets.
- 1.1.15.3 With an appropriate request for Protected Records, the District shall provide access to: (a) the person who created the record, (b) a person who has power of attorney or notarized release from all persons and entities whose interests were sought to be protected, (c) or upon an order from a court of competent jurisdiction.

05/07/93