

## POLICY 2075 Records Management

### A. General Policy

1. It is the policy of the Board of Education to provide fair and timely public access to information contained in district records and at the same time protect an individual's right to privacy in relation to personal data gathered by the school district.
2. This Policy is intended to be consistent with the Government Records Access and Management Act (GRAMA) contained in Chapter 63-2 of the Utah Code. The Utah Code will be referenced in any questions concerning this Policy.

### B. Definitions

1. "District" -- Refers to the Box Elder School District, the Box Elder Board of Education, and all schools and other offices of the Box Elder School District.
2. "Record" -- 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 school district. A record does not include temporary drafts, material owned by an individual, proprietary software, computer programs, books and other materials that are contained in library collections that are open to the public, or other materials which are protected by the laws of copyright or patent.
3. "Record Series" -- A group of records that may be treated as a unit for purposes of classification, description, management, or disposition.

### C. Access to Records

1. Each office or school should have available a list of records available within the specific office or school. This list will also indicate whether the records have been classified as public, controlled, private, or protected according to criterion set forth in Section G of this policy.
2. Every person has the right, during normal working hours, to inspect and to take one copy of a record classified as public. A person making a request for a record shall be required to furnish a written request containing his/her name, mailing address, daytime telephone number, and a description of the record that identifies the record with reasonable specification.
3. Fees will be charged for photocopying information at the rate of \$.10 per copy. In the case of voluminous requests (more than 50 pages), refer to Utah

Code 63-2-210-9. Fees will also be charged for requests for information involving extensive searches. The fee will be \$15.00 per hour for research taking longer than one-half hour and a fee of \$27.00 per hour for creating reports that are not already compiled (these will usually be computer-generated reports).

4. There is no requirement that a record must be created in response to a request, but can be done if it does not unreasonably interfere with regular duties and responsibilities of district staff and the requester agrees to pay the additional cost of providing the record.
5. Most requests will be the type that can be facilitated at the time of the request and a response shall be given at that time. In other circumstances, a response shall be given to a record request no later than ten business days after receiving the request by:
  - a. Approving the request and providing the record.
  - b. Denying the request.
  - c. Notifying the requester that the record is not available at that location and providing, if known, where the record is kept.
  - d. Under extraordinary circumstances, the district may delay approval or denial of the request for an additional number of days as specified in Section 63-2-204(5) of the Utah Code.
6. A response shall be given to a member of the news media no later than five business days after receiving the request.
7. Before releasing a record classified private, controlled, or protected, evidence of the requester's identity must be obtained. A valid driver's license, passport, or a birth certificate, along with some form of picture identification, shall be sufficient evidence of the requester's identification.
8. Records classified as private, controlled or protected can be disclosed to any person who has a court order signed by a judge from a Utah court other than a justice of the peace court, or a federal court of competent jurisdiction, to the extent that the record deals with a matter in controversy over which the court has jurisdiction.
9. Records classified as private can be disclosed to the subject of the record, the parent or legal guardian of a minor, or to any other individual who has a power of attorney or a notarized release from the person who is the subject of that record that is dated no more than 30 days prior to the date the request is made.
10. Records classified as controlled can be disclosed to a physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than 30 days prior to the date the request is made.

11. Persons who receive a controlled record shall be advised that they may not disclose confidential information from those records to any person, including the subject of a record, and shall be required to sign a "non-disclosure" statement.
12. Records classified as protected can be disclosed to the person who submitted the information in the record or to an individual who has a power of attorney or a notarized release from the person who submitted the record that is dated no more than 30 days prior to the date the request is made.
13. Notwithstanding the above, any record classified as private, controlled, or protected may be disclosed to persons other than as herein provided if the district determines disclosure is in the public interest.

D. Sharing Records with Other Governmental Entities

1. The district may provide public, private, controlled, or protected records to another governmental entity if:
  - a. That governmental agency serves as a repository or archives for purposes of historical preservation, administrative, maintenance, or destruction.
  - b. The governmental agency enforces or investigates civil or criminal law and the record is necessary for the investigation.
  - c. The record is necessary for an audit performed by a governmental agency authorized by statute.
2. Private, controlled, or protected records may be provided to another governmental entity if that governmental entity certifies:
  - a. The record is necessary for the agency to perform its duties and functions, and
  - b. The record will be used for purposes similar to the purpose for which the information was originally obtained.
  - c. The public benefit from use of the record outweighs the individual privacy right that protects the record.
3. Before disclosing a record to another government entity pursuant to this policy, the district shall:
  - a. Notify the other governmental entity of the record's classification and the restrictions on its access, and
  - b. Obtain written agreement that the governmental entity will abide by those restrictions.

E. Denial of Access to Records

1. If the request for access to the records is denied, a notice should be sent to the requester's address containing 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, or protected information.
  - b. The reason why access was denied.
  - c. A statement that the requester may appeal the denial to the superintendent and a brief description of the appeal process.
2. The record to which access was denied may not be destroyed until the appeal period has ended.

F. Appeals

1. If a person has been denied access to a record that has been classified as private, controlled, or protected, and that person believes that access should be allowed, that person may appeal the decision within 30 days of the denial by filing a notice of appeal with the superintendent following the directions given in this section. The notice of appeal shall include the petitioner's name, mailing address, and daytime telephone number, and the relief sought. It may also contain a short statement of facts, reasons, and legal authority in support of the appeal.
2. The 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.
3. If the denial of access is affirmed in whole or in part, the superintendent shall send a written statement to the requester advising that a further appeal may be made to the State Records Committee or the District Court. The petitioner could then appeal the decision to the State Records Committee as outlined under Section 63-2-404 of the Utah Code.

G. Classifications to Be Given to a Record Series

1. Public Records will be reviewed, inventoried, and classified as public according to the criteria contained in Utah Code 63-2-301.
2. Information Concerning a Student which May be Given to the Public

The district generally classifies all records containing information concerning an individual person as private information (see Utah Code, Section 63-2-302). This classification includes student records which may be accessed by qualified district personnel, parents or legal guardians of the student, and the student after reaching the age of eighteen. However, the following information relating to students has been declared "directory information" and may be made public.

- a. Student's name

- b. Participation in officially recognized activities and sports.
- c. Weight and height of members of athletic teams.
- d. Dates of attendance at a school.
- e. Degrees and awards received.

Parents or students who do not want the information to be made public must make a formal request in writing within 30 days after the student enters school each year.

The district may assume that either parent (in the case of the parents being divorced or separated) or the student has the authority to inspect and review education records of the student unless the district has received evidence that there is a legally binding instrument, law, or court order governing the matter which provides to the contrary.

3. Information that may be given to the public about district employees and contractors.

The following information concerning current and former employees and contractors may be given to the public upon request as public information:

- a. The employee's name and gender.
  - b. Actual gross salary or contract fee.
  - c. Salary range of employee's job classification.
  - d. The value and the nature of employer-paid benefits.
  - e. The basis for and amount of any added remuneration in addition to salary, including expense reimbursements.
  - f. Job title and description.
  - g. Education, training, and work experience, and other information as it relates to qualifications for holding the current position.
  - h. Dates of employment.
  - i. Work location and work telephone number.
  - j. Honors and awards relating to present position.
  - k. Information that accounts for the employee's work time.
4. Private. Records will be classified as private according to the criteria contained in Utah Code 63-2-302.
  5. Controlled. Records shall be classified as controlled according to the criteria contained in Utah Code 63-2-303.
  6. Protected. Records shall be classified as protected based on the criteria contained in Utah Code 63-2-304.

#### H. Examining and Classifying Records

1. All records or record series that are created shall be examined and classified as to whether the majority of the information in the record series is public,

private, controlled, or protected. If there is information within a classification other than the primary classification, the appropriate classifications for this information should be indicated. A record or record series may be reclassified at any time.

2. Records are scheduled for retention, transfer, or disposition according to the procedures contained in Utah Code 63-2-901 through 909.

I. Responsibility for Records Management

1. The records management function of the school district shall be the administrative responsibility of the superintendent's office. Records management shall be the specific responsibility of the records manager. The records management duties and responsibilities of the records manager are as follows:
  - a. Coordinates the records management program of the district in cooperation with the staff or other district offices and schools and with assistance from the State of Utah local government records archivist.
  - b. Provides training and assistance to designated records coordinators of other offices and schools.
  - c. Develops and administers, with assistance from the state local government records archivist, a records retention schedule for all records kept by the business department and assists records coordinators of other offices and schools in the development and administration of records retention schedules.
  - d. Establishes the location, form, and order of business department records.
  - e. Publishes to other offices and schools guidelines for retention of various types of records.
2. The administrator in charge of each department and school in the district shall be administratively responsible for the records management function in his/her specific department or school. The administrator shall designate one member of his/her staff as the office or school records coordinator. The records coordinator shall be directly responsible for the care, maintenance, transfer, or disposal of the office or school records. The records coordinator shall also keep the office or school current on the district records management policy and rules.
3. The specific duties of the office or school records coordinator are:
  - a. Supervise the records management program within the specific office or school.
  - b. Maintain a list of all records kept in the individual office or school, which includes the disposition or transfer schedule for each record and a description of its classification as public, controlled, private, or protected.

Amended  
September 26, 2001

- c. With assistance from the records manager, develop and maintain a records retention schedule for all records maintained by the office or school, and also note what shall be done with the record at the end of its retention period. If there is any doubt about the appropriate retention period, the records manager should be contacted for assistance.