



Records Management

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1. General Policy

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.

Since the legislature adopted the Government Records Access and Management Act to accomplish this same objective, the Board of Education has adopted this policy in compliance with that act. The board directs the superintendent to develop the district's records access and management procedures in accordance with this policy.

2. Definitions

- 2.01 "District" -- Refers to the Salt Lake City School District, the Salt Lake City Board of Education, and all schools and other offices of the Salt Lake City School District.
- 2.02 "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, received, or retained by the school district. A record does not include temporary drafts or similar material prepared for the personal use of the originator or an individual for whom the originator is working, 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.
- 2.03 "Record Series" -- A group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

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3. Access to Records

- 3.01 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 8 of this policy.
- 3.02 Every person has the right free of charge to inspect a public record during normal working hours. Also, every person has a right to take one copy of a public record (see 3.03 for charge for photocopying records). A person making a request for a record may 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.
- 3.03 Fees will be charged for photocopying information at the rate of 20¢ per copy. Fees will also be charged for requests for information involving extensive searches. The fee will be \$35.00 per hour for research taking longer than one-half hour.
- 3.04 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.
- 3.05 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 within fifteen business days of receipt of the request. The Board finds that the district has insufficient resources to meet a five or even ten day time frame and has accordingly established this fifteen day response requirement. A response may be given 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 twenty days. The district will advise the requester in writing of a determination of extraordinary circumstances and the length of the resulting extension.

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- 3.06 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.
- 3.07 Records classified as private, controlled, or protected can be disclosed to any person who has a court order signed by a judge from a court of competent jurisdiction, to the extent that the record deals with a matter in controversy over which the court has jurisdiction, has considered the merits of the request for access to that record, and has limited the requester's use and further disclosure of the record.
- 3.08 Records classified as private can be disclosed to the subject of the record, the parent or legal guardian of an unemancipated 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 90 days prior to the date the request is made.
- 3.09 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 90 days prior to the date the request is made.
- 3.10 Persons who receive a controlled record shall be advised that they may not disclose controlled information from those records to any person, including the subject of the record, and shall be required to sign a "non-disclosure" statement.
- 3.11 Records classified as protected can be disclosed to the person who submitted the record or to an individual who has a power of attorney or a notarized release from all persons, governmental entities, or political subdivisions, whose interests were sought to be protected or their legal representative, that is dated no more than 90 days prior to the date the request is made.
- 3.12 The district shall not release information concerning a communicable disease, including the HIV status, of any student or employee or any other information prohibited by law.
4. Sharing Records with Other Governmental Entities
- 4.01 The district may provide public, private, controlled, or protected records to another governmental entity if:

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- a. The governmental entity serves as a repository or archives for purposes of historical preservation, administrative, maintenance, or destruction of the records.
 - b. The governmental entity 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 entity authorized by statute.
- 4.02 Private, controlled, or protected records may be provided to another governmental entity if that governmental entity certifies:
- a. The record is necessary for the entity 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.
- 4.03 Before disclosing a record to another governmental 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.
5. Denial of Access to Records
- 5.01 If the request for access to the records is denied, a written notice should be provided to the requester 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, confidential, or protected information.
 - b. The reason why access was denied, including citations of legal authority for the denial by referencing the provisions of Title 63, Chapter 2, of the Utah Code Annotated or other legal authority.

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- c. A statement that the requester may appeal the denial to the Board of Education, including the time limit for appeal and where the appeal should be filed.
- 5.02 The record to which access was denied may not be destroyed or transferred until the appeal period has ended.
- 6. Appeals
 - 6.01 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 Board of Education. 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.
 - 6.02 The Board of Education finds that by reason of the part time nature of the board that it is not feasible for the board to make decisions on appeals within the time frame included in Utah Code Annotated 63-2-401. However, the Board of Education shall make a determination on the appeal within thirty 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.
 - 6.03 The Board of Education may appoint a panel consisting of two board members and one other person to decide appeals.
 - 6.04 If the denial of access is affirmed in whole or in part, notice shall be sent to the requester advising that a further appeal may be made to the District Court. Such appeal must be made within thirty days of the decision of the Board of Education or panel.
 - 6.05 The time periods given in this section may be extended by agreement between those involved.
- 7. Amendment of Records
 - 7.01 A person may contest the accuracy or completeness of a public, private, or protected record concerning him/her by requesting that the record be amended. However, this does not affect the right of access to private or protected records.

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- 7.02 A request to amend the records should include the requester's name, mailing address, daytime telephone number, and a brief statement explaining why he/she believes the record should be amended.
- 7.03 Approval or denial of the request should be given within 30 days after it is received.
- 7.04 If the request is approved, all the records that contain the information to be amended should be corrected as soon as practical. The record cannot be disclosed until it has been amended.
- 7.05 If the request is denied, a brief statement should be given in writing stating the reason for the denial.
- 7.06 The person denied a request for amendment may submit a written statement concerning the information in the record, whereupon the district will (1) file the requester's statement with the disputed record if the record is in a form that the statement can accompany it, or will (2) make the statement accessible if the record is not in a form such that the amendment may accompany the record. The statement should be shown along with the disputed information if the record is disclosed.
- 7.07 Denial of a request to amend a record may be appealed following the appeals process given in Section 6.
- 7.08 This section does not apply to academic records, medical records, title to real or personal property, or any other records that an administrator determines must be maintained in original form to preserve the integrity of the record system.
8. Classifications to Be Given to a Record Series
- 8.01 Public. Records will be reviewed, inventoried, and classified as public according to the following criteria:
- a. Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment of former and present employees and officers.
 - b. Final opinions in an administrative adjudicative or judicial proceeding unless the proceeding was properly closed to the public.
 - c. Information contained in or compiled from a transcript, minutes, or report of any proceeding or meeting,

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including the record of all votes of each member of the Board of Education, except as provided by statute.

- d. Administrative staff manuals, instructions to staff, and statements of policy.
- e. Records concerning any contracts entered into by the district, including, but not limited to, records documenting compensation and compliance with the terms of the contract.
- f. Information that deals with the receipt or expenditure of funds by the district, financial reports, annual reports, and financial audits.
- g. Statistical records and compilations that contain data derived from private, controlled, or protected information, but that do not disclose private, controlled, or protected information.
- h. All other records not classified as private, controlled, or protected.

8.02 Information Concerning a Student which May be Given to the Public

The district generally classifies records containing information about an individual as private information. 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, address, and telephone listing
- b. Date and place of birth
- c. Major field of study
- d. Participation in officially recognized activities and sports
- e. Weight and height of members of athletic teams
- f. Dates of attendance at a school
- g. Degrees and awards received
- h. The most recent educational agency or institution attended by the student

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

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The district may assume that either parent (in the case of the parents being divorced or separated) of 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.

8.03 Private. Records will be classified as private according to the following criteria.

- a. Information concerning an individual's eligibility for unemployment or insurance benefits, social services, welfare benefits, or the determination of benefit levels.
- b. Records concerning an individual's finances except as required by statute.
- c. Medical data on individuals.
- d. Information on individuals that would constitute an invasion of personal privacy if disclosed.
- e. Information that would disclose an individual's home address, home telephone number, social security number, insurance coverage, marital status, payroll deductions, personal status information such as race, religion, or disabilities.
- f. Applications, nominations, recommendations, or proposals for employment or appointment, except information relating to formal charges against the employee and disciplinary action unless such charges and action are shown to be groundless.
- g. Records provided by another entity that are given with the requirement that the records be managed as private records.

8.04 Controlled. Records shall be classified as controlled according to the following criteria:

- a. Medical, psychiatric, or psychological data about an individual that is believed could be detrimental to the subject's mental health or safety if the data is released.

8.05 Protected. Records shall be classified as protected based on the following criteria:

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- a. Test questions and answers to be used in future academic examinations.
- b. Information that would give an unfair advantage to any party proposing to enter into a contract or agreement with the district.
- c. Information that would identify real property or its value under consideration for acquisition or disposal.
- d. Information that would jeopardize the life or safety of an individual.
- e. Drafts, unless otherwise classified as public.
- f. Records concerning the district's strategy about negotiations or litigation.
- g. Records concerning pending litigation, including attorney's work product and other records prepared in anticipation of litigation unless available under the rules of discovery or are otherwise classified as public.
- h. Records of communication between the district and an attorney representing, retained, or employed by the district if the communications are privileged.
- i. Information from investigations or analyses of loss occurrences that may be covered by the State Division of Risk Management or similar division of the school district.
- j. Records of tenure evaluations, appointments, retention decisions, and promotions generated in a legally closed meeting.
- k. Unpublished research notes and data, unpublished manuscripts, creative works in process, scholarly correspondence, and confidential information contained in research proposals which have been developed, discovered, or received by or on behalf of faculty, staff, employees, or students.
- l. Communications between individuals members of the Board of Education, citizens, or staff who are acting in a judicial capacity to the extent the communications concern the deliberative aspects of the adjudication.

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9. Examining and Classifying Records

9.01 All records or record series that are used or 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. Although it is not necessary to classify records or record series until a person requests access to the information, all active files should be classified by July 1, 1993. A record, record series, or information within a record may be reclassified at any time.

9.02 Records are scheduled for retention, transfer, or disposition through the following procedure:

- a. An individual record series is identified and described. For example, it may be described as a school correspondence file or a student progress report file. These identified record series are included on the "inventory" list of records kept in the office or school. The list should include a description of the record file, the approximate number of individual records, and the time span covered by the file of records, as well as the retention/disposition schedule and classification.
- b. The office or school records coordinator will appraise the record file in relation to the guidelines for record retention published by the district records manager and schedule an appropriate retention period for the record file, 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.

10. Responsibility for Records Management

10.01 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 of other district offices and schools and with assistance from the State of Utah local government records archivist.

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- 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.
- 10.02 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.
- 10.03 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.
 - 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.
- 10.04 The district records manager will use guideline retention periods determined by the state records committee and state archivist to develop district records retention periods. If

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existing guidelines do not cover a particular record file, the records manager will submit information to the state archivist or state records committee and obtain a recommended retention period for the record file.

- 10.05 Old records (those more than five years old) and records that need to be kept beyond their useful retention period because of historical value that are 12 inactive (referred to less than once a month) will be transferred to the care and custody of the Utah State Archives.

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