

Records Management Policy

Approved: 8-11-1993

Reviewed: 3-9-05

Philosophy

It is the policy of the South Sanpete 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.

South Sanpete Board of Education has adopted this policy in compliance with the Government Records Access and Management Act (GRAMA), Utah code 63-2-701, annotated 1991. The board directs the superintendent to develop the district's records access and management procedures in accordance with this policy.

Definitions

"District"--refers to the South Sanpete School District and all schools in the South Sanpete School District.

"Record"--all books, letters, documents, papers, maps, plans, photographs, films, cards, tape 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, proprietary software, computer programs, books and other materials that are contained in library collections that are open to the public, other materials which are protected by law of copyright or patent, or daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he/she is working.

Classification and Access to Records

The school district shall evaluate all record series that it uses or creates designating those record series as provided by this policy and reporting the designations to the state archives. The district may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series, or information until access to the record is requested. The district may also redesignate a record series or reclassify a record or record series, or information within a record at any time.

A person may request access to the district's records if that person meets the requirements set forth in this policy. A person may inspect and obtain one copy of a record classified as public during normal working hours. A person making request for a record shall be

required to submit a written request containing the requester's name, mailing address, daytime phone number, and a specific description of the records requested.

Before releasing a record classified private, confidential, 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.

Records classified as private, confidential 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.

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 30 days prior to the date the request is made.

Records classified as confidential 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 or upon an order from a court of competent jurisdiction. All copies made from such records shall be marked "confidential" and disclosure limited to the subject of the record and his medical professional.

Fees will be charged for photocopying information at the rate of \$.25 per copy. In the case of voluminous requests (more than 50 pages), the number of pages may be limited to 50. Fees will also be charged for requests for information involving extensive searches. The fee will be \$10.00 per hour for research taking longer than one-half hour and a fee of \$20.00 per hour for creating reports that are not already compiled.

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.

Sharing Records With Other Governmental Entities

The district may provide public, private, confidential, 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.

Private, confidential, 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.

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.

Response Times

The District shall respond to the request to copy records within fifteen (15) days. If the District finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in Section 63-2-204 (6) of the Utah Code, it may delay approval or deny the request for an additional number of days as specified in Utah Code. The District shall respond to an appropriate request by:

- a. Approving the request and providing the records;
- b. Denying the request;
- c. Notifying the requester that it does not maintain the records; or
- d. Notifying the requester 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.

Appeals Process

In the event that the district either denies access or the right to copy a requested document, the requester shall submit an appeal of the request to the Board of Education of the district in writing which specifically states the documents which have been designated for copying or for inspection, the date of the request, the date of the denial of the request, all circumstances surrounding the denial, and the reasons stated for the denial. The Board of Education shall respond to such request within thirty (30) days after the requester has submitted the appeal to the Board of Education. The Board of Education shall submit a written response either granting the requester's request or affirming the denial of the request for documents.

Judicial Review

Any party may appeal the Board of Education's decision to the district court in the county where the district is located. The petition shall be filed no later than fifteen (15) days after the date of the Board of Education's decision or order.

Classifications to be Given to a Records Series

Public Records will be reviewed, inventoried, and classified as public according to the following criteria:

- a. Names, gender, gross compensation, job titles, job descriptions, job qualifications, 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 proceedings unless the proceedings were properly closed to the public.
- c. information contained in or compiled from a transcript, minutes, or report of any proceeding or meeting, 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, confidential, or protected information, but that do not disclose private, confidential, or protected information.
- h. All other records not classified as private, confidential, or protected.

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. Students' name, address, and telephone listing
- b. Parent's name

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

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) 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.

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 provided by statute.
- c. Medical data on individuals.
- d. Information on individuals that would constitute an invasion of personal privacy if disclosed.
- e. Information in the district's personnel file except that defined as public information by this policy.
- 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. Personal recommendations or evaluations concerning an individual.

Confidential Records shall be classified as confidential according to the following criteria:

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

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

- a. Any document disclosing a trade secret;
- b. Test questions;

- 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 or real property owned by the district;
- e. Teacher certification records;
- f. Any record that may jeopardize the life or safety of an individual if disclosed;
- 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 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 or prior decision capacity; or
- m. Records touching upon evaluations, appointment, retention decisions, or promotions generated in a meeting closed in accordance with the Utah Open and Public Meetings.
- n. Records not placed in an employee's personnel file which are maintained by individual supervisors or administrators.

Examining and Classifying Records

Beginning March 1, 1992, 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, confidential, 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 created before April 1, 1992, until information is added to the record series or a person requests access to the information, all active files should be classified before March 1, 1992. A record or record series may be reclassified at any time.

Management

Documents shall be managed by the administrative staff in each school and by each separate department of the district office.

The records management function of the school district shall be the administrative responsibility of the superintendent's office.