

**GRAND COUNTY SOLID WASTE MANAGEMENT  
SPECIAL SERVICE DISTRICT NO. 1**

**RECORDS ACCESS AND MANAGEMENT POLICY**

**TABLE OF CONTENTS**

**ARTICLE 1**

<b>BACKGROUND</b> .....	1
<b>A. <u>Policy</u></b> .....	1
<b>B. <u>Purpose</u></b> .....	1

**ARTICLE 2**

<b>COMPLIANCE WITH STATE LAW</b> .....	1
<b>A. <u>Application of GRAMA</u></b> .....	1

**ARTICLE 3**

<b>DEFINITIONS</b> .....	1
<b>A. <u>Act</u></b> .....	2
<b>B. <u>Computer Program</u></b> .....	2
<b>C. <u>Controlled Records</u></b> .....	2
<b>D. <u>Data</u></b> .....	2
<b>E. <u>Dispose</u></b> .....	2
<b>F. <u>Non-Public Records</u></b> .....	2
<b>G. <u>Private Records</u></b> .....	2
<b>H. <u>Protected Records</u></b> .....	2
<b>I. <u>Public Records</u></b> .....	2
<b>J. <u>Record</u></b> .....	2
<b>K. <u>Records Officer</u></b> .....	3

**ARTICLE 4**

<b>ACCESS TO RECORDS</b> .....	3
<b>A. <u>Public Right To Records</u></b> .....	3
<b>B. <u>Regularly Maintained Records</u></b> .....	4
<b>C. <u>Custodial Agency</u></b> .....	4

**ARTICLE 5**

<b>CLASSIFICATION OF RECORDS</b> .....	4
--	---

A.	<u>Public Records</u>	4
B.	<u>Private Records</u>	4
C.	<u>Controlled Records</u>	5
D.	<u>Protected Records</u>	5

**ARTICLE 6**

	<b>PRIVACY RIGHTS</b>	5
A.	<u>Personal Right of Privacy</u>	5
B.	<u>Notification</u>	5
C.	<u>Release</u>	5
D.	<u>Identification</u>	5

**ARTICLE 7**

	<b>PROCEDURE</b>	6
A.	<u>Designation, Classification and Retention</u>	6
B.	<u>Written Request Form</u>	6
C.	<u>District Response</u>	6
D.	<u>Lengthy Requests</u>	6
E.	<u>Normal Response Time</u>	6
F.	<u>Extended Response Time</u>	6
G.	<u>Estimated Response Time</u>	7
H.	<u>Appellate Rights</u>	7

**ARTICLE 8**

	<b>FEES</b>	7
A.	<u>Policy Regarding Fees</u>	7
B.	<u>Applicable Fees</u>	7

**ARTICLE 9**

	<b>APPEAL PROCESS</b>	8
A.	<u>Notice of Appeal</u>	8
B.	<u>Notice Regarding Privacy Rights</u>	8
C.	<u>Timing of Decision by Manager</u>	8
D.	<u>Informal Hearing</u>	9
E.	<u>Written Notice of Manager's Decision</u>	9
F.	<u>Appeal to the Board</u>	9
G.	<u>Judicial Review</u>	9

**ARTICLE 10**

**DISABILITY ACCOMMODATIONS** ..... 9

**ARTICLE 11**

**RECORDS AMENDMENTS** ..... 10

**ARTICLE 12**

**VIOLATIONS** ..... 10

**A. Knowing Violation** ..... 10

**B. Limitation on Damages** ..... 10

**ARTICLE 13**

**RECORDS MAINTENANCE** ..... 10

**A. Manager** ..... 10

**B. Records Officer** ..... 11

**C. Procedures** ..... 11

**D. Ownership of Records** ..... 11

**E. Custodian of Records** ..... 11

**GRAND COUNTY SOLID WASTE MANAGEMENT  
SPECIAL SERVICE DISTRICT NO. 1**

**RECORDS ACCESS AND MANAGEMENT POLICY**

**ARTICLE 1**

**BACKGROUND**

- A. Policy:** This shall be known as the Grand County Solid Waste Management Special Service District No. 1 (“District”) Records Access and Management Policy (the “Policy”). References herein to the “General Manager” or “Manager” refer to the chief administrative officer of the District regardless of title.
- B. Purpose:** The Policy establishes guidelines for open government information recognizing the need to maintain and preserve accurate records, provide public access to public records and preserve the right of privacy of personal data collected or received by the District. In particular, the purpose of this Policy is to conform to GRAMA Section 63-2-701 which provides that each political subdivision may adopt an ordinance or a policy relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention and amendment of records. The intent of this Policy is to provide modifications to the general provisions of state law, where allowed, to best meet the public needs, operation, management capabilities and resources of the District.

**ARTICLE 2**

**COMPLIANCE WITH STATE LAW**

- A. Application of GRAMA:** In adopting the Policy, the District recognizes that the following sections of the Government Records Access and Management Act, Utah Code Ann. §63-2-101, *et. seq.*, as it may be amended from time to time (“GRAMA”), apply to the District and adopts by reference these provisions as part of the Policy: Sections 63-2-101 through -105, 63-2-201, 63-2-202, 63-2-205, 63-2-206, 63-2-301 through -308, 63-2-601, 63-2-602, 63-2-701 (including other code sections as specifically mandated by Section 701), 63-2-801 through -804, 63-2-905 and 63-2-907, and also adopts by reference Section 63-30-10.6 from the Governmental Immunity Act, to the extent applicable to the District. Any inconsistency or conflict between this Policy and the above referenced statutory sections shall be governed by the statute, as amended from time-to-time.

**ARTICLE 3**

**DEFINITIONS**

As used in this Policy, the following definitions shall be applicable.

- A. **Act:** As used herein, the terms “Act” and “GRAMA” are interchangeable and shall refer to the Government Records Access and Management Act, §§63-2-101, *et. seq.*, Utah Code Annotated, 1953, as amended.
- B. **Computer Program:** The phrase “Computer Program” means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material explaining how to operate the computer program. “Computer Program” does not include the original data, records or formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were produced manually.
- C. **Controlled Records:** “Controlled records” are those defined as controlled under the provisions of the Act.
- D. **Data:** “Data” shall refer to individual entries (for example, birth date, address, etc.) in records.
- E. **Dispose:** “Dispose” means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.
- F. **Non-Public Records:** “Non-public records” shall refer to those records defined as private, controlled, or protected under the provisions of the Act.
- G. **Private Records:** “Private records” shall refer to those records classified as private under the provisions of the Act.
- H. **Protected Records:** “Protected records” shall refer to those records classified as protected under the provisions of the Act.
- I. **Public Records:** “Public records” shall refer to those records which have not been classified as non-public in accordance with the provisions of the Act and are not exempt from disclosure, as provided in Subsection 63-2-201(3)(b) of the Act.
- J. **Record:** “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 photocopy or other mechanical or electronic means. “Record” does not mean:

1. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom the operator is working.
2. Materials that are legally owned by an individual in the individual's private capacity.
3. Materials that are owned by an entity other than the District unless the District lawfully possesses the same and has the legal right to distribute copies.
4. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the District.
5. Proprietary software.
6. Junk mail or commercial publications received by the District or by an officer or employee of the District.
7. Personal notes and daily calendars prepared by any District employee or official for personal use or for the personal use of a supervisor or such notes, calendars, or internal memoranda prepared for the use of any District officer or employee acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed to the public in accordance with the Utah Open and Public Meetings Act, Utah Code Ann. §§ 52-4-4, 52-4-5, and 52-4-7.5.
8. Computer programs as defined in paragraph B above that are developed or purchased by or for the District for its own use.

K. **Records Officer:** "Records Officer" shall refer to any person appointed by the Manager as referenced in UTAH CODE ANN. § 63-2-903(2). The Manager may, but shall not be required to, act as the Records Officer.

## ARTICLE 4

### ACCESS TO RECORDS

A. **Public Right To Records:** Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the District, of all District governmental records defined as "public" under the provisions of this Policy, upon the payment of the lawful fee and pursuant to the provisions of this Policy and the Act provided, however, that disclosure of records to which access is governed or limited pursuant to court rule, a state statute other than the Act, federal statute, or federal regulation, including records to which access is governed or limited as a condition of participating in a state or federal program or receiving state or federal funds, is governed by the specific provisions of that

statute, rule or regulation. To the extent not inconsistent therewith, the Act and this Policy are applicable to records that are subject to restrictions by statute, rule or regulation. The District may decline to fulfill a records request if the request unreasonably duplicates prior records requests from that person or organization.

- B. Regularly Maintained Records:** The District has no obligation to create a record or record series in response to a request. Upon request, the District will provide a record in a particular format if it is able to do so without unreasonably interfering with its duties and responsibilities and the requesting party agrees to pay to the District all costs incurred in providing the record in the requested format.
- C. Custodial Agency:** When a record is temporarily held by a custodial agency, pursuant to the custodial agency's statutory functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Policy. The record shall be considered a record of the District and any requests for access to such records shall be directed to the District, rather than the custodial agency, pursuant to these procedures.

## ARTICLE 5

### CLASSIFICATION OF RECORDS

- A. Public Records:** Public records shall be those District records as defined in Section 63-2-201 of the Act. Public records shall be made available to any person. All District records are considered public unless they are (1) expressly designated, classified, or defined otherwise by the District in accordance with policies and procedures established by this Policy, (2) are so designated, classified or defined by the Act, or (3) are made non-public by other applicable law.
- B. Private Records:** Private records shall be those District records classified as “private”, as defined in Section 63-2-302 of the Act and as designated, classified, or defined in procedures established pursuant to this Policy. Private records shall be made available to the following persons: the subject of the record, the parent or legal guardian of an unemancipated minor who is the subject of the record, the legal guardian of a legally incapacitated individual who is the subject of the record, any person who has a power of attorney from the subject of the record, any person who has a notarized release from the subject of the record or his/her legal representative dated not more than ninety (90) days before the request, or any person to whom the record must be provided pursuant to a legislative subpoena or a court order issued by a court of competent jurisdiction. Private records may be disclosed to persons other than those listed above if the Records Officer determines that there is no interest in restricting access to the records or that the interest favoring access outweighs the interest favoring restriction of access.

- C. **Controlled Records**: Controlled records shall be those District records classified as “controlled”, as defined in Section 63-2-303 of the Act and as designated, classified, or defined under procedures established in this Policy. Controlled records shall be made available to a physician, psychologist, certified social worker, insurance provider or agent, or a governmental health agency upon submission of a release from the subject of the record dated no more than ninety (90) days prior to the request; or any person to whom the record must be disclosed pursuant to a legislative subpoena or a court order signed by a judge of competent jurisdiction. Any person receiving controlled information from the District as provided above shall not disclose that information to any person, including the subject of the record, and the District may require that the person receiving the controlled information sign an acknowledgment of the obligation not to disclose controlled information.
- D. **Protected Records**: Protected records shall be those District records classified as “protected”, as defined in Section 63-2-304 of the Act and as designated, classified or defined in procedures established in this Policy. Protected records shall be made available, upon request, to the person who submitted the information in the record, to a person who has a power of attorney or notarized release (dated not more than ninety (90) days prior to the request) from all persons and governmental entities whose interests are protected by the classification of the record, and to any person to whom the record must be provided pursuant to a legislative subpoena or court order signed by a judge of competent jurisdiction. Protected records may be disclosed to persons other than those listed above if the Records Officer determines that there is no interest in restricting access to the records or that the interest favoring access outweighs the interest favoring restriction of access.

## ARTICLE 6

### PRIVACY RIGHTS

- A. **Personal Right of Privacy**: The District recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records.
- B. **Notification**: The District may, as determined appropriate by the Records Officer, notify the subject of a record that a request for access to the subject's record has been made.
- C. **Release**: Access to non-public records is controlled by Section 63-2-202 of the Act. To the extent allowed by law, the District may require that the requester of a non-public record provide a written release in form reasonably acceptable to the District which is signed by the subject of the requested records and notarized within ninety (90) days before the request, before access to the record is provided.
- D. **Identification**: Before receiving a non-public record, the requesting party shall be required to provide evidence of identity that is reasonably satisfactory to the District.

## ARTICLE 7

### PROCEDURE

- A. **Designation, Classification and Retention**: All District records and records series, of any format, shall be designated, classified and scheduled for retention according to the provisions of the Act and this Policy. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of the District Records Officer.
- B. **Written Request Form**: Under circumstances in which the District is not able immediately to respond to a records request, the requester shall fill out and present to the District a written request on a form provided by the District. The date and time of the request is to be noted on the written request form and all time frames provided under this Policy shall commence from that time and date. Requesters of non-public records shall adequately identify themselves and their status prior to receiving access to non-public records.
- C. **District Response**: The District may respond to a request for a record by approving the request and providing the record, denying the request, or such other appropriate response as may be established by policies and procedures.
- D. **Lengthy Requests**: If a person requests copies of more than fifty (50) pages of records, and if the records are contained in files that do not also contain records that are exempt from disclosure, the District may:
1. Provide the person with facilities for copying the requested records and require the person to make the copies; or
  2. Allow the person to provide his/her own copying facilities and personnel to make the copies at the District's office, in which case the fee for copying the records will be waived.
- E. **Normal Response Time**: In most circumstances, and excepting those eventualities set out in paragraph F of this Article 7, the District shall respond to a written request for a public record within ten business days after receipt of that request.
- F. **Extended Response Time**: Extraordinary circumstances shall justify the District's failure to respond to a written request for a public record within ten business days and shall extend the time for response to that amount of time which is reasonably necessary to respond to the request, as determined by the Records Officer. Extraordinary circumstances shall include but not be limited to the following:

1. Some other governmental entity is currently and actively using the record requested.
2. The record request is for either a voluminous quantity of records or requires the District to review a large number of records or perform extensive research to locate the materials requested.
3. The District is currently processing a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work.
4. The request involves an analysis of legal issues to determine the proper response to the request.
5. The request involves extensive editing to separate public data in a record from that which is not public.

**G. Estimated Response Time:** When a record request cannot be responded to within ten business days, the Records Officer shall give the requester an estimate of the time required to respond to the request.

**H. Appellate Rights:** The failure or inability of the District to respond to a request for a record within the time frames set out herein, or the District's denial of such a request, shall give the requester the right to appeal as provided in Article 9.

## ARTICLE 8

### FEES

**A. Policy Regarding Fees:** Applicable fees for the processing of information requests under this Policy shall generally be set at actual cost or as otherwise established by the governing board of the District.

**B. Applicable Fees:** The District will charge the following fees for requests relating to GRAMA:

1. Reviewing a record to determine whether it is subject to disclosure ..... No Charge
2. Inspecting a record by requesting person ..... No Charge
3. Copy Fees (standard sizes) ..... 10 cents per page  
(for District prepared copies)

4. Copy Fees (non-standard sizes) ..... The greater of 10 cents per page or actual cost for District prepared copies
5. Computer Disk ..... Actual cost (including overhead and time of District staff)
6. Other Forms ..... Actual cost (including overhead and time of District staff)
7. Miscellaneous Fees not covered above ..... Actual cost (including overhead and time of District staff)

---

**ARTICLE 9**

**APPEAL PROCESS**

- A. **Notice of Appeal:** Any person aggrieved by the District's denial of a request for a record or claim of extraordinary circumstances may appeal the determination within 30 days after notice of the District's action by filing a written notice of appeal with the District. The notice of appeal shall state the petitioner's name, address, telephone number, the relief sought and, if petitioner desires, a short statement of the facts, reasons and legal authority for the appeal.
- B. **Notice Regarding Privacy Rights:** If the Records Officer determines that the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the Records Officer shall send a notice of the requester's appeal to the affected person.
- C. **Timing of Decision by Manager:** Unless the District's General Manager is also the Records Officer and the denial being appealed was originally issued by the Manager, the Manager shall make a determination on the appeal within thirty (30) days after receipt of the appeal. If the denial was originally issued by the Manager, the aggrieved person may appeal directly to the Board and the initial appeal will be treated as an appeal to the Board under paragraph F. Otherwise, the initial appeal will first be handled by the Manager and the aggrieved person, if not satisfied with the Manager's decision, may appeal to the Board as provided in paragraph F. Should a determination not be issued within thirty (30) days after receipt of the appeal, the appeal shall be deemed to have been denied and the aggrieved person may appeal to the Board under paragraph F or, if the appeal was directed to the Board, to District Court as provided in paragraph G. If the appeal is treated as an appeal directly to the Board because the denial which is the subject of the appeal was issued by the Manager, a written notice shall be mailed to the aggrieved person at the address stated on the Notice of Appeal that the appeal will be heard at the next scheduled meeting of the Board, provided that there is at least five (5) days between the mailing of that notification and the scheduled Board

Meeting to allow sufficient time for the aggrieved person to receive the Notice and for the appeal to properly be placed on the agenda.

- D. **Informal Hearing**: During the thirty (30) day decision period, the Manager may schedule an informal hearing or request any additional information deemed necessary to make a determination.
  
- E. **Written Notice of Manager's Decision**: The Manager shall send a written notice to all participants providing the reasons for the Manager's determination. If the Manager affirms the denial in whole or in part, the notice shall include a statement that the requester has a right to appeal the denial to the District's governing Board within thirty (30) days after issuance of the Manager's written notice of decision and that the appeal will be heard at the next scheduled meeting of the Board provided the Notice of Appeal is received before the preparation of the agenda for that meeting.
  
- F. **Appeal to the Board**: Within thirty days after issuance of the Director's affirmance of a denial of a person's request for access to records, the aggrieved person may file a written notice of appeal with the District governing Board. Provided that the notice of appeal is received before the preparation of the agenda, so it can be included in the agenda, the appeal shall be heard at the next scheduled meeting of the Board. If there is no meeting scheduled in the next thirty days after receipt of the notice of appeal or if the notice is not received in sufficient time to place it on the agenda of the next scheduled Board meeting, the Board shall schedule a special meeting within thirty days after receipt of the notice of appeal for the purpose of hearing the appeal. A Notice of the special meeting will be mailed to the aggrieved person at the address specified in the notice of appeal at least five (5) days before the special meeting is scheduled to take place. The final decision of the Board shall be by majority vote of a quorum of the Board. The Board shall prepare and issue a written decision outlining the final determination and reasons for the final determination.
  
- G. **Judicial Review**: If the Board affirms the denial, in whole or in part, the aggrieved person may petition for judicial review in district court as provided in Section 63-2-404 of the Act.

## ARTICLE 10

### DISABILITY ACCOMMODATIONS

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with applicable requirements of the Americans with Disabilities Act (42 USCA §12101, *et. seq.*) upon request of the applicant.

## ARTICLE 11

### RECORDS AMENDMENTS

Government records held by the District may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the District and shall set forth, with specificity, the amendment or correction requested. When an amendment or correction of a government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise in the Act or other State or Federal law.

## ARTICLE 12

### VIOLATIONS

- A. **Knowing Violation**: District employees who knowingly refuse to permit access to records in accordance with the Act and this Policy, who knowingly permit access to non-public records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of the Act, this Policy or other applicable law or regulation may be subject to criminal prosecution and disciplinary action, including termination.
- B. **Limitation on Damages**: In accordance with the Act, neither the District nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

## ARTICLE 13

### RECORDS MAINTENANCE

- A. **Manager**: The Manager shall establish and maintain an active, continuing program for the economical and efficient management of the District's records as provided in this Policy. The Manager (either directly or through designated employees) is to document, and maintain documentation of, the organization, functions, policies, decisions, procedures, and essential transactions of the District to safeguard and protect the interests of the District and of the public and, in particular, to protect the legal and financial rights of persons directly affected by the District's activities. This documentation will include but not be limited to maintaining rules and regulations, including this Policy, adopted by the Administrative Control Board, maintaining Minutes of each meeting of the Administrative Control Board, and maintaining copies of contracts to which the District is a party, and appropriate backup documentation. The Manager will review the retention schedules and record series designations and classifications recommended by the Records Officer and, in consultation

with State Archives to the extent required by law, will approve the schedules, designations and classifications. The Manager will report, or supervise the reporting of, all retention schedules and all designations and classifications applied to record series maintained by the District to State Archives as required by Section 63-2-701(1)(f) and (g) of the Act.

- B. Records Officer:** The Records Officer is to oversee and coordinate records care, maintenance, scheduling, access, management, classification, designation, and preservation and archives activities. The Records Officer is to make annual reports of records services activities to the District Administrative Control Board. The Records Officer, under the supervision of the Manager, will submit such schedules and reports to, and cooperate with, the State Archivist as required by applicable law, rule or regulation and may interface with State Archives respecting the care, maintenance, scheduling, disposal, classification, designation, access and preservation of records.
- 
- C. Procedures:** To the extent not precluded by applicable law, rule or regulation, the requirements of the Act and of this Policy shall be undertaken at the District, rather than at the state, level. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve District records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of District records. The Records Officer shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records.
- D. Ownership of Records:** All District records shall remain the property of the District unless federal or state legal authority provides otherwise. Property rights to District records may not be permanently transferred from the District to any private individual or entity, including legally disposable, obsolete District records. This prohibition does not include providing copies of District records otherwise produced for release or distribution under this Policy.
- E. Custodian of Records:** Custodians of any District records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the District Records Officer.

## **RECORDS ACCESS**

Page 1 of 5

This policy is adopted pursuant to the Government Records Access and Management Act Utah Code Ann. (1992) § 63-2-701 ("GRAMA") and applies to District records relating to information practices, including classification, access, appeals, management and retention of documents.

### **APPROPRIATE REQUESTOR OF RECORDS**

A person may request access to the District's records if that person meets the requirements set forth in this policy.

### **PUBLIC RECORDS**

Public records shall include official minutes, actions and decisions of the Board of Education and District Administration unless the record involves information which is classified as private, controlled or protected. Public records also include official District and school policies, contracts, minutes, accounts, employment records to the extent they disclose only names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours and dates of employment. Public records shall also include formal criminal charges against an employee unless in the judgment of the Superintendent, or Superintendent's designee, the charges are without foundation and fact.

#### **Availability of Public Records**

Public records shall be open for public inspection during regular office hours.

### **PRIVATE DOCUMENTS**

Private documents shall include personnel files including but not limited to applications, nominations, recommendations, evaluations, proposals for advancement or appointment, all documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical conditions and military status.

### **STUDENT RECORDS**

All Student records are designated as "education records" and the disclosure of such education records is not governed under GRAMA but under 20 U.S.C. § 12-32(g) and 34 C.F.R. § 99, *et seq.* and 34 C.F.R. § 300 *et seq.* The District may not release information related to educational records without parental consent, except as provided by the Family Educational Rights and Privacy Act (FERPA).

#### **Availability of Private Records**

Private records shall be open only to the subject of the record and other authorized individuals or agencies. Access to student records shall be provided in accordance with FERPA (see Policy regarding Student Records #5210).

**CONTROLLED RECORDS**

Controlled records shall include medical, psychiatric or physiological data of an individual which, if disclosed, could be detrimental to the individual's mental health or safety.

**Availability of Private Records**

Private records shall be open only to authorized persons or agencies but are not open to the subject of the records.

**PROTECTED RECORDS**

Protected records include any information that, if disclosed, would jeopardize the life or safety of an individual or security of District property or program. Documents that, if disclosed, would place the District at a disadvantage in contract negotiations, property transactions, or bargaining positions or could enable circumvention of an audit; records related to potential litigation or personnel or hearing; records generated in meetings which are closed in accordance with the Utah Open Public Meetings Law; and test questions.

**Availability of Protected Records**

Protected records shall only be open to authorized individuals and agencies or in response to court order.

**EXEMPT RECORDS**

Exempt records include student records which are protected by the Family Educational Rights and Privacy Act.

**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 a 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 or written permission from the author of the record.

**ACCESS TO DISTRICT RECORDS**

1. Request to view District records should be addressed to the appropriate records officer during regular business hours.
2. Individuals requesting to view records classified as "Private, Controlled and Protected" shall be required to submit their request in writing. Requestors must prove their right to access to the records through personal identification, written release from the subject of the record, power of attorney, court order or other appropriate means.

**ACCESS TO DISTRICT RECORDS (continued)**

3. The records officer shall determine whether access to the requested records is to be granted or denied.
  - a. If the request is approved, the record shall be provided as soon as possible and not more than ten (10) working days from the date the request is received.
  - b. If the request is denied, the records officer must specify the reason in writing and the requestor shall be informed of the right to appeal.

**FEEES FOR SEARCH AND/OR DUPLICATION OF RECORDS**

A fee shall be charged for the District's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record as follows:

1. Twenty-five cents (25¢) per page for each single sided copy and fifty cents (50¢) per page for each double sided copy;
2. Eight dollars (\$8) per hour for the time spent by any District personnel searching for and compiling documents for copying. However, no fee may be charged for;
  - A. making a record available to be viewed in the same context that the record is kept in the regular course of carrying on business to determine whether the record is subject to disclosure or;
  - B. the requestor's inspecting the record.
3. An additional charge of one dollar (\$1) may be charged per each page of a document which has been requested to be certified.
4. 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.

**PROCEDURES**

Each requestor shall submit a written request specifically identifying those documents requested. The request shall specifically state whether the documents sought are: (1) to be copied; or (2) identified to determine whether they are subject to disclosure; or (3) to be allowed to inspect a specific record. 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.

Response Times

The District shall respond to the request to copy within fifteen (15) days. The District hereby finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in § 63-2-204 of GRAMA and therefore it opts for these alternative time periods. The District shall respond to an appropriate request by:

1. Approving the request and providing the records;
2. Denying the request;
3. Notifying the requestor that it does not maintain the records; or
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.

Appeals Process

1. Appeals to the District Administration: The requestor shall file a written request for a hearing with the District Administrative Services at least ten (10) working days prior to the desired hearing date.

Upon receiving the request, the Director of Administrative Services shall schedule a mutually convenient time, date and location for the hearing and notify all parties.

The requestor has the right to be represented by legal counsel at the hearing. If the requestor is to be represented by legal counsel, the Administration must be notified at least ten (10) working days in advance of the hearing and a list of all persons to be called and documents to be submitted in evidence into evidence shall be given to the District. If the Requestor has legal counsel present at the hearing, the Administration may also be represented by legal counsel.

Within ten (10) working days after the hearing, the Director of Administrative Services shall notify the requestor in writing of the action recommended.

If the requestor is not satisfied with the action recommended an appeal may be filed with the Board of Education.

2. Appeals to the Board of Education shall follow the same procedures and time lines outlined above.
3. If the Board upholds the action recommended in the hearing with the District Administration, the requestor has the right to appeal the Board's decision to a court of competent jurisdiction.

**RETENTION OF DISTRICT RECORDS**

The District shall adhere to the general schedule for records retention approved by the State Records Committee. Records which are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.

**RIGHT TO COPIES**

If an appropriate requestor requests to have copies of more than fifty (50) pages of records, the District may in its sole discretion provide the requestor with facilities to make copies and require the requestor to make copies him or herself at his or her own expense.

**AMENDMENT OF RECORDS**

An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him/her by requesting the School District to amend the record. However, this provision does not affect the right of access to private or protected records. This provision does not apply to records relating to title of real property, medical records, judicial case files, or any other records that the School District determines must be maintained in their original form to protect the public interest or preserve the integrity of the record keeping system.

**Request to Amend**

The request to amend shall contain the requestor's name, mailing address, day time telephone number and a brief description explaining why the specific record should be amended.

**Response**

The School District shall issue an order either approving or disapproving the request to amend no later than thirty (30) days after the request is made. The order shall state reasons for the decision. If the request is denied, the requestor may submit a written statement contesting the information in the record. The School District shall place the statement with the record, if possible, and disclose the statement whenever the contested record is disclosed.