

SUMMARY OF GRAMA POLICY

The following is a summary of the GRAMA Policy which has been adopted by Salt Lake County Service Area No. 1:

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12232.SA493.1

SALT LAKE COUNTY SERVICE AREA NO. 1

RECORDS ACCESS AND MANAGEMENT POLICIES AND PROCEDURES

SECTION I - PURPOSE

- A. The Policy: This document shall be known as the Salt Lake County Service Area No. 1 (the "Service Area") Records Access and Management Policy (the "Policy"). The Policy is governed by applicable provisions of the Government Records Access and Management Act ("GRAMA") Utah Code Ann. §63-2-101, et. seq., as it may be amended from time to time.
- B. Guidelines: 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 Service Area.
- C. GRAMA: 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 Service Area.

SECTION II - COMPLIANCE WITH STATE LAW

- A. Application of GRAMA: In adopting the Policy, the Service Area recognizes that the following sections of GRAMA apply to the Service Area and adopts by reference these provisions as part of this Policy: Sections 63-2-101 through -105, 63-2-201 through -202, 63-2-205 through -206, 63-2-301 through -308, 63-2-601 through -602, 63-2-701, 63-2-801 through -804, 63-2-905, 63-2-907, and 63-30-10.6. 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. The full text of GRAMA as of the date of adoption of this Policy is attached as Appendix I.

SECTION III - 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, §§63-2-1, et. seq., Utah Code Annotated, 1953, as amended.
- B. Computer Software Program: The phrase "Computer Software 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 software program. "Software" does not include the original data or record which is manipulated by the software.
- C. Controlled Records: "Controlled" records shall be 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.
- 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 Service Area where all the information in the original is reproducible by some mechanical, electronic, photographic or other 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 he is working.
 2. Materials that are legally owned by an individual in his private capacity.

3. Materials to which access is limited by the laws of copyright or patent.
4. Junk mail or commercial publications received by the Service Area or by an officer or employee of the Service Area.
5. Personal notes or daily calendars prepared by any Service Area employee for personal use or the personal use of a supervisor or such notes, calendars, or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed to the Utah Open Meeting Act, Utah Code Ann. §§52-4-4 and 52-4-5.
6. Proprietary computer software programs as defined in subsection 7.4 1. above that are developed or purchased by or for the Service Area for its own use.

SECTION IV - 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 Service Area, of all Service Area 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.
- B. Regularly Maintained Records: The Service Area has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.
- C. Custodial Agency: When a record is temporarily held by a custodial Service Area agency, pursuant to that 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 Service Area and any requests for access to such records shall be directed to the Service Area, rather than the custodial agency, pursuant to these procedures.
- D. Public Records: Public records shall be those Service Area records as defined in Section 63-2-201 of the Act. Public records shall be made available to any person. All Service Area records are considered public unless they are (1) expressly designated, classified, or defined otherwise by

the Service Area 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.

E. Private Records: Private records shall be those Service Area 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 a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power of attorney or a notarized release from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

F. Controlled Records: Controlled records shall be those Service Area 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, or licensed social worker who submits a notarized release from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

- G. Protected Records: Protected records shall be those Service Area 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 to the person who submitted the information in the record, to a person who has a power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.
- H. Privacy Rights: The Service Area recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The Service Area may, as determined appropriate by the Director, notify the subject of a record that a request for access to the subject's record has been made. The Service Area may require that the requester of records provide a written release in form reasonably acceptable to the Service Area, notarized within thirty (30) days before the request, signed by the subject of the records in question before access to such records is provided.

SECTION V - PROCEDURE

- A. Designation, Classification and Retention: All Service Area 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 Service Area Records Officer.
- B. Procedures for Records Request: Under circumstances in which the Service Area is not able immediately to respond to a records request, the requester shall fill out and present to the Service Area a written request on a form provided by the Service Area. The date and time of the request shall 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 information shall adequately identify themselves and their status prior to receiving access to non-public records.
- C. Service Area Response: The Service Area 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. In most circumstances, and excepting those eventualities set out below, the Service Area shall respond to a written

request for a public record within ten business days after that request. Extraordinary circumstances shall justify the Service Area'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 Director. 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 requested is for either a voluminous quantity of records or requires the Service Area to review a large number of records or perform extensive research to locate the materials requested.
3. The Service Area is currently processing either 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.
6. Providing the information requested requires computer programming or other format manipulation.

When a record request cannot be responded to within ten business days, the Director shall give the requester an estimate of the

time required to respond to the request.

- D. Appellate Rights: The failure or inability of the Service Area to respond to a request for a record within the time frames set out herein, or the Service Area's denial of such a request, shall give the requester the right to appeal as provided in Section VII.

SECTION VI - FEES

- A. General Policy: Applicable fees for the processing of information requests under this Policy shall generally be set at actual cost or as otherwise established by policies adopted under this Policy.
- B. Applicable Fees: The Service Area 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. Inspection of record by requesting person ... No Charge
 3. Copy Fees..... 25 cents per page (for Service Area prepared copies)
 4. Computer Disk..... Actual cost (including overhead and time of Service Area staff in preparation of information request)
 5. Other Forms..... Actual cost (including overhead and time of Service Area staff in preparation of information request)
 6. Miscellaneous Fees..... Actual cost (including overhead and time of Service Area staff in preparation of information request)

SECTION VIII - DISABILITY ACCOMMODATIONS

- A. Americans With Disabilities Act: 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.

SECTION IX - RECORDS AMENDMENTS

- A. Procedure: Government records held by the Service Area may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the Service Area 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.

SECTION X - VIOLATIONS

- A. Service Area Employees: Service Area 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 Service Area 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.

SECTION XI - RECORDS MAINTENANCE

- A. Records Officer: There shall be appointed a Service Area Records Officer to oversee and coordinate records access, management and archives activities. The Records Officer shall make annual reports of records services activities to the Service Area Board of Trustees.
- B. Records Maintenance Procedures: Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve Service Area 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 Service Area records. He/she shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records.
- C. Ownership of Records: All Service Area records shall remain the property of the Service Area unless federal or state legal authority provides otherwise. Property rights to Service Area records may not be permanently transferred from the Service Area to any private individual or entity, including legally disposable, obsolete Service Area records. This prohibition does not include providing copies of Service Area records otherwise produced for release or distribution under this chapter.
- D. Custodian of Records: Custodians of any Service Area

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 Service Area Records Officer.

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