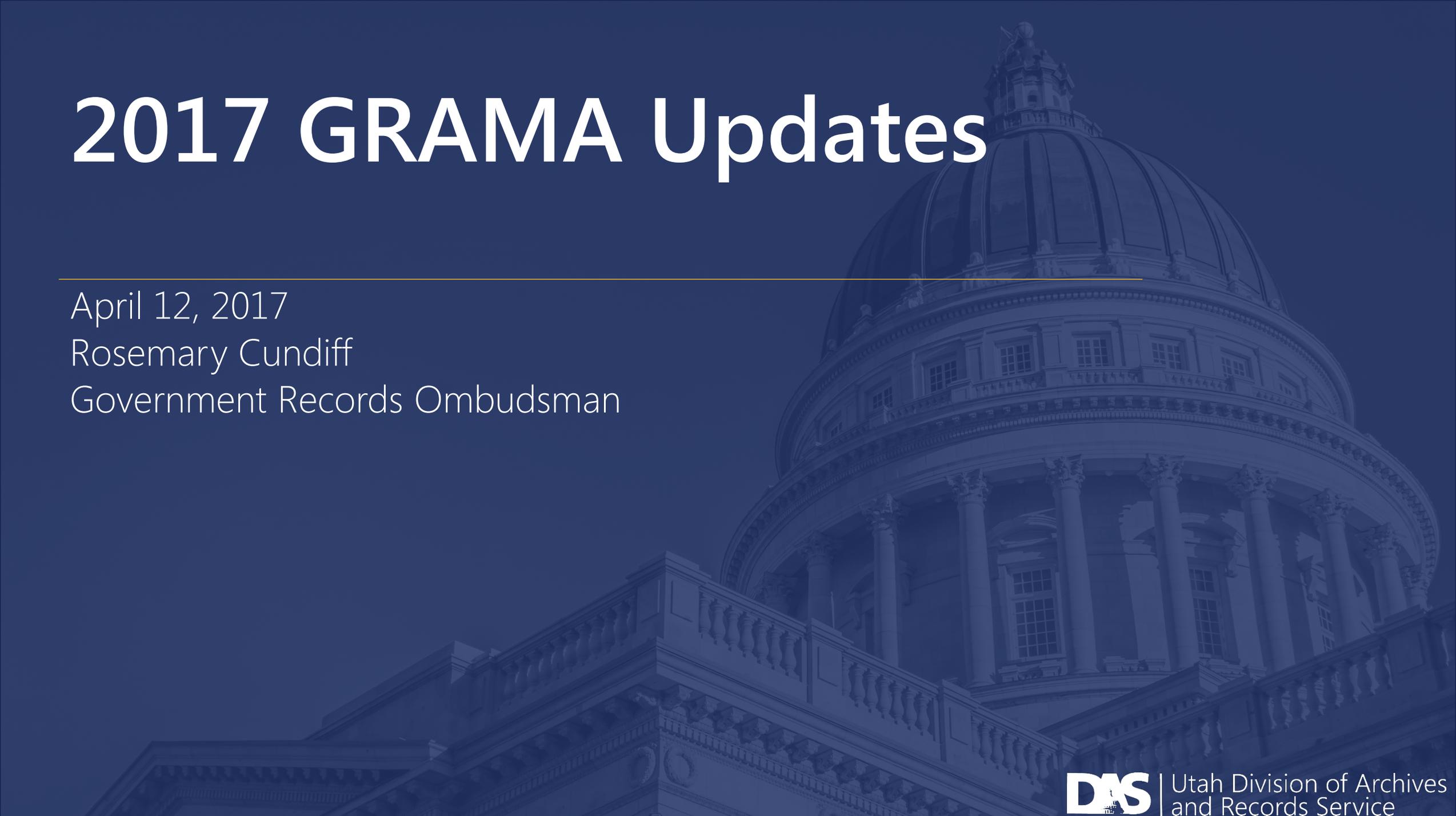


2017 GRAMA Updates



April 12, 2017

Rosemary Cundiff

Government Records Ombudsman



Utah Division of Archives
and Records Service



GRAMA

[Senate Bill 242](#)

[House Bill 55](#)

[House Bill 413](#)

[House Bill 149](#)

[House Bill 435](#)

[Senate Bill 238](#)

OPMA

[Senate Bill 97](#)

[House Bill 55](#)

[House Bill 413](#)

Government Records Access and Management Amendments

Government is not required to respond or provide records to an incarcerated individual or someone acting on their behalf.

- Except when acting person is an attorney;
- Except for the first five requests annually when records contain information about the subject.

Utah Code 63G-2-201(9)



GRAMA

[Senate Bill 242](#)

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Government Records Access and Management Amendments

Adjustments or clarifications are made to the appeals process:

- chief administrator's response time on appeal is extended to 10 days; Utah Code 63G-2-401(5)(a)
- appeals in district court cannot be remanded back to the State Records Committee; Utah Code 63G-2-404(6)(b)
- citizen members of a local appeals board cannot also be government employees. Utah Code 63G-2-701(5)(c)



GRAMA

Senate Bill 242

[House Bill 55](#)

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Government Nonprofit Entity Compliance Amendments

The definition of governmental entity is expanded to include a governmental non-profit corporation:

- means non-profit corporations that are wholly owned or controlled by one or more governmental entities and receive funding from a governmental entity; or
- non-profit corporations in which one or more governmental entities exercise a controlling interest and
 - that exercise taxing authority;
 - impose legally mandated fees for association or participation; or
 - receive a majority of the operating funding from government.
 - (does not include water companies)

Utah Code 63G-2-103(11)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Public School Membership in Associations

The definition of governmental entity is expanded to include specific “associations.”

- An association means an organization that governs or regulates student’s participation in athletic interscholastic activity.

Utah Code 63G-2-103(11)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Child Abuse Offender Registry

The following records are private:

- information about an offender who is required to be on the Child Abuse Offender Registry but that is not required to be made available to the public on that registry.

Utah Code 63G-2-302(1)(o)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Health Care Patient Privacy Amendments

The following records are protected:

- An audio or video recording created by a body-worn camera inside a hospital or health care facility except those that:
 - depict the commission of an alleged crime
 - record any encounter with law enforcement that results in death, bodily injury or firing a weapon.
 - record an encounter that is the subject of a complaint against law enforcement.
 - contain an officer involved critical incident
 - have been requested for reclassification as a public record by the subject or authorized agent.

Utah Code 63G-2-305(66)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Higher Education Governance Revisions

The following records are protected:

- A record pertaining to the search process for a president of an institution of higher education, except for application materials for a publicly announced finalist.

Utah Code 63G-2-305(66)



Public Meetings Act Amendments

GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

A public body may satisfy the requirement that minutes include the substance of matters proposed, discussed, or decided; or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is discussed.

Utah Code 52-4-203(2)(b)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

[Senate Bill 97](#)

House Bill 55

House Bill 413

Public Meetings Act Amendments

Within three days after approval of minutes, public bodies must post and make available in office:

- Approved minutes
- Public materials distributed at the meeting.

If the public body is providing links to recordings as part of the approved minutes, recordings must be posted accordingly.

Utah Code 52-4-203(4)(e)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

House Bill 55

House Bill 413

Government Nonprofit Entity Compliance Amendments

The definition of public body is expanded to include governmental non-profit corporation:

- means non-profit corporations that are wholly owned or controlled by one or more governmental entities and receive funding from a governmental entity; or
- non-profit corporations in which one or more governmental entities exercise a controlling interest; and
 - that exercise taxing authority;
 - impose legally mandated fees for association or participation; or
 - receive a majority of the operating funding from government.
 - (does not include water companies)

Utah Code 52-4-103(9)



GRAMA

Senate Bill 242

House Bill 55

House Bill 413

House Bill 149

House Bill 435

Senate Bill 238

OPMA

Senate Bill 97

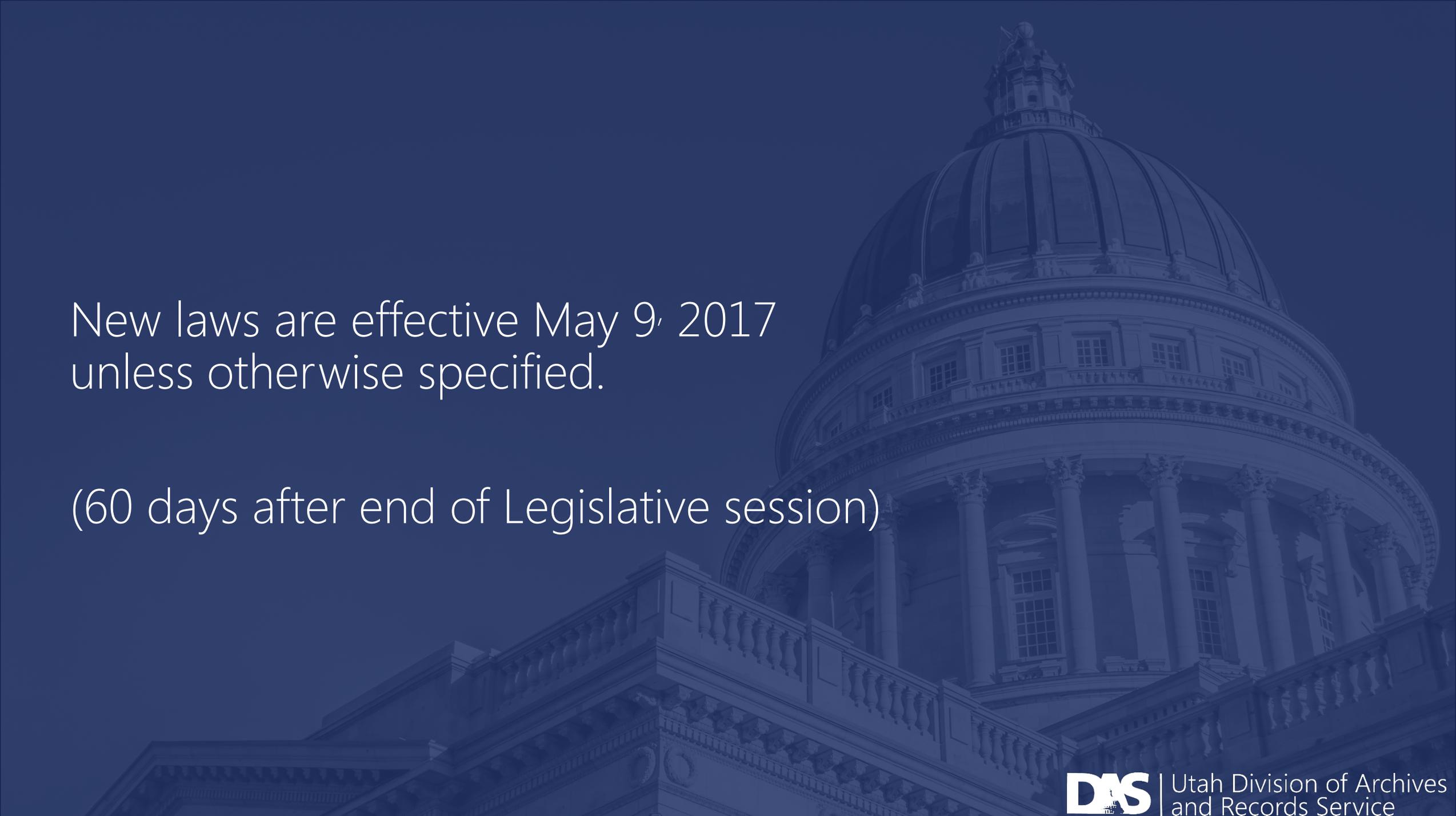
House Bill 55

[House Bill 413](#)

Public School Membership in Associations

The definition of public body is expanded to include specific “associations.”

- An association that has vested authority to make decisions regarding the participation of a public school or student in an athletic interscholastic activity.



New laws are effective May 9, 2017
unless otherwise specified.

(60 days after end of Legislative session)



Utah Division of Archives
and Records Service



Join us next week for . . .



*State Records Committee (SRC)
Decisions and Orders*

by Nova Dubovik, State Records Committee
Executive Secretary

Nova will provide a broad overview of the State Records Committee and share decisions and orders from the past year that have generated public interest.

Wednesday, April 19, 2017
Noon to 1:00 p.m.



Thank You

- Recording of today's webinar will be posted within one week.
- Slides will be posted with recording.
- The recording for last week's webinar is available at: <https://archives.utah.gov/recordsmanagement/>