



POLICY TITLE	Compliance with Government Records Access and Management Act	Policy Number	133
Section	Governance, Organization, and General Information	Approval Date	April 9, 2009
Subsection	Publications, Reports, Research, and Records	Effective Date	April 9, 2009
Responsible Office	Office of the President		

1.0 PURPOSE

1.1 To insure that GRAMA requests are managed in a consistent and timely manner, consistent with Utah law.

2.0 REFERENCES

2.1 UCA 63G-4-101 *Utah Administrative Procedures Act (UAPA)*

2.2 UCA 63G-2-101 *Utah Government Records Access and Management Act (GRAMA)*

3.0 DEFINITIONS

3.1 Controlled records: Controlled records are records containing medical, psychiatric, or psychological information under the federal *Health Insurance Portability and Accountability Act (HIPAA)* and are only released with an individual's permission, court order, or legislative subpoena (UCA 63G-2-304).

3.2 FERPA: An acronym for the federal *Family Education Rights and Privacy Act (FERPA)*.

3.3 GRAMA: An acronym for the *Utah Government Records Access and Management Act ("GRAMA")*.

3.4 HIPAA: An acronym for the federal *Health Insurance Portability and Accountability Act ("HIPAA")*.

3.5 Limited records: Records controlled by statutes other than GRAMA laws; e.g., HIPAA, FERPA, etc.

3.6 Private records: Records that are generally available only to the subject of a record or legal guardian; e.g., medical data; unemployment or welfare benefits; alleged violation of the rules of legislative ethics; social security numbers; individual library records; and employee home addresses, telephone numbers, other purely private information; etc. (UVA 63G-2-302&303).



3.7 Protected records: Government or business records that safeguard against threats to public safety, government security, commercial interests, or the general function of government; e.g., trade secrets; commercial information that could cause unfair competition, interfere with a planned government action, or injure the state economy; test questions/answers for license, employment, or academic exams; information that gives a contract bidder unfair advantage; government purchasing records identifying property, information that would endanger a person's life or safety; information that would jeopardize the security of government property, programs, or record keeping; litigation records not available through discovery; drafts; transcripts, minutes, or reports from a closed meeting; donor or potential donor to a government entity who request anonymity; unpublished lecture notes, data, manuscripts, creative works in progress, scholarly correspondence and confidential research proposals at a public institute of education; etc. Protected records are available to the person who submitted the record or has power of attorney or a notarized release to receive the record, can also be received by court orders, and legislative subpoenas (UCA 63G-2-305).

3.8 Public record: A record that is not private, controlled, or protected, and is not restricted or exempt from disclosure (e.g., court rule, another state statute, federal statute, or federal regulation) (UCA 63G-2-103(21)).

3.9 Record: A book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristic (UCA 63G-2-103(22)(a)). A "record" under GRAMA does not include, but not limited to, temporary drafts, daily calendars, personal notes; privately owned, copyrighted or patented material; notes of internal memoranda for judicial and quasi-judicial deliberations; proprietary software or computer programs; junk mail and commercial publications, and books and other materials available in public libraries.

3.10 Record classification: Determination whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under GRAMA (UCA 63G-2-103(3)).

3.11 Restricted or exempt records: Information for which there are legal requirements prohibiting or imposing financial penalties for unauthorized disclosure; e.g., data covered by federal and state legislation, such as FERPA, HIPAA, GRAMA (UCA 63G-2-201(3)(b)).

4.0 POLICY

4.1 As an entity of the state of Utah, the University complies with providing public records for information as covered by and provided through the *Utah Government Records and Access and Management Act (GRAMA)*.

5.0 PROCEDURES

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5.1 Requests for Records

5.1.1 Requesting a Record

5.1.1.1 Requests for access to governmental records of the University should be written and made to the GRAMA Officer.

5.1.1.2 Response to a request submitted to other persons within the University may be delayed (UCA 63G-2-204(6)).

5.1.2 Exception to GRAMA Process

5.1.2.1 Generally, the subject of a record or a requester in possession of a written notarized release from the subject of a private record may bypass this procedure and request access directly to the department within the University who maintains custodial responsibility for the record, if such knowledge is available; e.g., student records governed by the *Family Education Rights and Privacy Act of 1974* and personnel records.

5.1.3 Appeal

5.1.3.1 Records requestors who have been denied access by the GRAMA Officer may appeal that determination within 30 days to the Vice President of Finance and Administration by providing a written notice of appeal according to GRAMA (UCA 63G-2-205).

5.2 Requests to Amend a Record

5.2.1 Requesting a Record Amendment

5.2.1.1 An individual may contest the accuracy or completeness of a document pertaining to him or her pursuant to UCA 63G-2-603. Such requests should be made to the GRAMA Officer.

5.2.1.2 The GRAMA Officer will research the request and make a determination to change the record or deny the request.

5.2.1.3 Appeals of Requests to Amend a Record

5.2.1.3.1 If the request is denied, an appeal of the request to amend a record shall be handled as an informal hearing under the *Utah Administrative Procedure Act*. Appeals may be filed with the GRAMA Officer.

5.3 GRAMA Administration



5.3.1 The President shall appoint a GRAMA Officer for the University for the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of GRAMA records.

5.4 Fees Schedule

5.4.1 Generally, fees will be assessed for the direct and indirect costs of duplicating and/or compiling, summarizing, or tailoring a record to meet the request. The University may require payment of past fees and future estimated fees before beginning to process a request if (1) fees are expected to exceed \$50 or (2) the requester has not paid fees from previous requests (UCA 63G-2-203(8)).

5.4.2 The *Utah Government Records Access and Management Act (GRAMA)*, which governs all government records, and the *Federal Family Education Rights and Privacy Act (FERPA)*, which governs student records, provides for the charging of reasonable fees to cover actual costs of duplicating a record or compiling a record in a form other than that maintained by the government agency.

5.4.3 Inspection of a Record

5.4.3.1 Charges are not made for reviewing or retrieval of records.

5.4.4 Fees

5.4.4.1 If the record requested requires programming to be extracted, matted, blocked out, copied, summarized, or tailored in a different form prior to inspection by the requestor, fees will be charged according to the following schedule:

1) Compiling records—\$25.00 per hour

2) Matting, blocking out, etc. —\$25.00 per hour

3) Duplicating costs

a) Official transcript of student's academic record on protected paper: \$2.00 per copy, including mailing. When FAX service is required, charges are extra.



b) Records copied on 8½ x 11 format (non-certified copies).

Original	First Copy	Additional Copies
1 page	\$.50	\$.10 per page
2-4 pages	\$.25 per page	\$.10 per page
5-10 pages	\$.20 per page	\$.10 per page
over 10 pages	\$.15 per page	\$.10 per page
Above copying costs are applicable per page regardless of the specified format (paper or electronic) and include materials and equipment use.		

c) Charge for certifying copies with university seal over signature/date of copying technicians is \$.10 per copy.

d) Records copied on paper other than 8½ x 11 format, \$25.00 per hour.

e) Additional charges may be assessed to cover the cost of materials for records requiring modification (photographic, computer generation, or otherwise) prior to copying.

5.4.5 Fee Waiver

5.4.5.1 Fees for duplication and compilation of a record may be waived under certain circumstances described in Section 63G-2-203(4). Requests for the waiver of fees must be made in writing to the GRAMA Officer. Waiving of fees is at the sole discretion of the GRAMA Officer.

5.5 In the event there is a conflict with the provision of this policy and Utah’s *Government Records Access and Management Act (GRAMA)*, the provisions of GRAMA will apply.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity