

RECORDS CLASSIFICATIONS & GRAMA



**Colleen Mulvey, MMC
Cedar Hills City Recorder**

HOW WELL DO YOU KNOW GRAMA?

Rate yourself from Awful to Brilliant



Awful



Not very good



Good



Really good



Brilliant



LET'S GET STARTED...

- Government records belong to the state
- GRAMA establishes records classifications:
 - Public
 - Private
 - Controlled
 - Protected



LET'S GET STARTED...

- GRAMA recognizes 2 constitutional rights
 - The public's right to transparent access to information about the public's business; and
 - The right to personal data privacy gathered by governmental entities.



PUBLIC RECORDS

All records are public unless expressly restricted by law.

**Open to
the Public**



PRIVATE RECORDS

Record containing data on individuals that is private as provided by Section 63G-2-302.

Access is limited to the subject of the record and their representatives.



PRIVATE RECORDS

Examples of Private Records:

- ❖ Home addresses
- ❖ Phone Numbers
- ❖ Social Security Numbers
- ❖ Benefit Eligibility
(Unemployment or welfare benefits)



CONTROLLED RECORDS

Record containing data on individuals that is controlled as provided by Section 63G-2-304.

Shall be released only to health care providers who have a notarized release from the subject of the record.



CONTROLLED RECORDS

Examples of Controlled Records:

- ❖ Health records
- ❖ Psychiatric information
- ❖ Psychological information
- ❖ Records covered under HIPAA



PROTECTED RECORDS

Record containing data on individuals that is protected as provided by Section 63G-2-305.

Access shall be provided to the person who provided the record or to an individual who has power of attorney.



PROTECTED RECORDS

Examples of Protected Records:

- ❖ Trade secrets
- ❖ Academic exam questions
- ❖ Government property security
 - ❖ Information that would endanger a person's life or safety
- ❖ Procurement proceedings



RESTRICTED

When records are restricted
(private, controlled, protected)
require identification from the
person receiving the records.



TRUTH OR LIE

Approved City Council
meeting minutes are
an example of a
public record.



TRUTH OR LIE

Unemployment benefit information and social security numbers are examples of controlled records.



TRUTH OR LIE

An attorney's finding of fact is an example of a protected record.



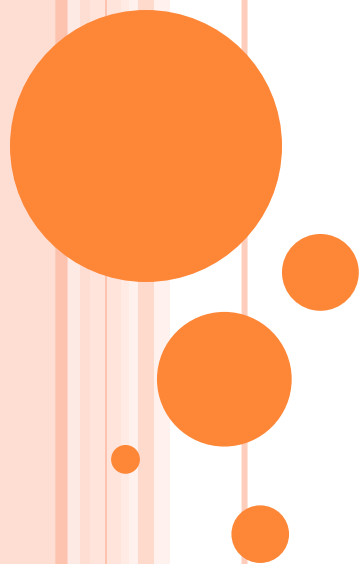
TRUTH OR LIE

A health insurance enrollment form is an example of a protected record.



I RECEIVED A GRAMA REQUEST...

now what



TAKING A REQUEST

The requestor must provide their GRAMA request in writing.

- ❖ Name
- ❖ Address
- ❖ Phone Number
- ❖ Description which identifies record with reasonable specificity
 - ❖ GRAMA requests may also be submitted to you through the Open Records Portal



RESPONSES

The agency must respond within 10 business days.

- ❖ Approve request and provide record
- ❖ Deny request; partial denial
- ❖ Notify requestor of extraordinary circumstances

Estimate fees for fulfillment (<\$50)



PROVIDE RECORDS

- ❖ Agency is not required to compile, format, manipulate, summarize or tailor records
- ❖ Record does not have to be provided in a different format than maintained
- ❖ If the record is already available publicly, you may direct them to the source.



DENIAL

- ❖ Requestor must be notified why the denial/partial denial has been assigned
- ❖ Denial must include a statement that requestor can appeal
- ❖ Notice of 30 day time limit for appeal
- ❖ Failure to respond is considered a denial

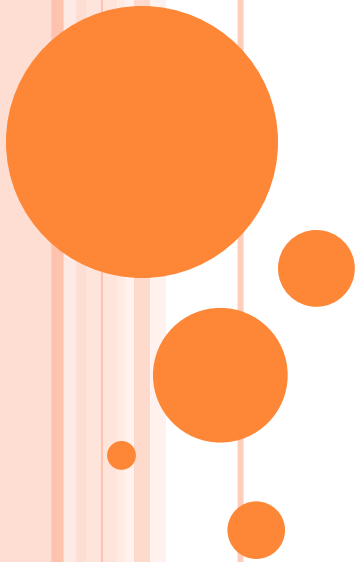


EXTRAORDINARY CIRCUMSTANCES

- ❖ Request is for voluminous quantity of records
- ❖ Entity is in the process of fulfilling a voluminous number of requests



**QUESTIONS?
COMMENTS?
CONCERNS?**



January 25, 2016

██████████
American Fork, UT 84003

Re: *Response to GRAMA Request*

Ms. ██████████;

My office received your request for records on January 11, 2016. The request asks for all “electronic emails, printed documents, or communications to or from Mayor Gygi or his staff that contain any of the following keywords individually or separately: Gondola, Tram, Snowbird, Switzerland, Bob Bonar, Ian Cumming, Stadler, Mountain Acord, Forest Service. The City of Cedar Hills is very willing to comply with your request, and will do so within the guidelines and requirements of the Government Records Access Management Act found in Title 63G, Chapter 2 of the Utah Code (the “Act”). The Act provides that you, as the requestor, should shoulder the cost of gathering, sorting, and compiling the requested records and that where the estimated cost exceeds \$50, that you must pay the estimated cost before the City begins to gather said records.

The City estimates that gathering, sorting or compiling the requested records will take at least 3 hours, and its cost will be at least \$105. As set forth in the Act, before the City will begin to compile records responsive to your request, you must pay the estimated cost. If the actual cost of compiling responsive records is less than \$105, then any excess will be returned to you. If the actual cost of compiling responsive records is more than \$105, then the City will work to compile \$105 worth of responsive records. If you desire the City to do further work and authorize payment beyond \$105, the City will continue to gather responsive records.

We also anticipate your request will require the City “to review a large number a documents to locate the records requested.” Accordingly, due to this extraordinary circumstance, the City will need an extension of time to comply with your request, specifically as set forth in Utah Code Ann. 63G-2-204(6)(c). The City will require an extension of time to prepare the records after the estimated fee has been paid. The City anticipates an additional two weeks to deliver all responsive documents.

Any person aggrieved by a governmental entity's access determination may appeal the determination within 30 days to the chief administrative officer of the governmental entity by filing a notice of appeal. The City’s current chief administrative officer is Mr. David Bunker, the City Manager/Engineer. The notice of appeal shall contain the following information: the petitioner's name, mailing address, and daytime telephone number; and the relief sought, and the petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.

Regards,

Colleen A. Mulvey
City of Cedar Hills
City Recorder

SAMPLE RESPONSE

Cost exceeds \$50

Extraordinary
Circumstances

Appeal Process



SAMPLE REDACTION LOG

GRAMA REQUEST - JULY 31, 2017

Rob Crawley - May 4 - June 4, 2017	PRIVILEGE CLAIMED				
DATE	DESCRIPTION	Protected Records UCA 63G-2-305	Private contact Info UCA 63G-2-302	Imminent/pending litigation UCA 63G-2-305	Other - Specify
Friday, June 02, 2017 12:40 PM	RE: harvey land	X			
Friday, June 02, 2017 12:38 PM	RE: harvey land	X			
Friday, June 02, 2017 11:07 AM	RE: harvey land	X			
Friday, June 02, 2017 9:34 PM	RE:Carnival		X		
Friday, June 02, 2017 11:33 PM	RE:Carnival		X		
Monday, May 22, 2017 10:19 AM	RE: Family festival		X		
Friday, May 19, 2017 11:25 AM	Re: FW: Seller Disclosures	X			
Friday, May 19, 2017 10:47 AM	Re: FW: Seller Disclosures	X			
Friday, May 19, 2017 10:48 AM	Re: FW: Seller Disclosures	X			
Sunday, May 14, 2017 7:55 PM	RE: agenda		X		
Saturday, May 13, 2017 10:43 PM	RE: agenda		X		
Saturday, May 13, 2017 8:42 AM	RE: FF		X		
Wednesday, May 10, 2017 9:40 AM	RE: Sale of City Property	X			
Wednesday, May 10, 2017 9:37 AM	RE: Sale of City Property	X			
Tuesday, May 09, 2017 10:02 AM	RE: Sale of City Property	X			
Monday, May 08, 2017 6:15 PM	FF		X		
Saturday, May 06, 2017 4:51 PM	Agenda item		X		
Thursday, May 04, 2017 9:48 AM	RE: From Reed	X			
Thursday, May 04, 2017 9:12 AM	RE: From Reed	X			
Thursday, May 04, 2017 7:49 AM	RE: From Reed	X			
Thursday, May 04, 2017 6:42 AM	RE: From Reed	X			
Thursday, May 04, 2017 6:34 AM	RE: From Reed	X			



SAMPLE REDACTION LOG

GRAMA REQUEST - SEPTEMBER 3, 2014

Mayor Gygi to City Councilmembers - Aug 4 - Sept 4, 2014		PRIVILEGE CLAIMED			
DATE	DESCRIPTION	Attorney-Client Privilege UCA 63G-2-305 (16)	Private contact Info UCA 63G-2-302(2)d)	Imminent/pending litigation UCA 63G-2-305(22)	Other - Specify
Monday, August 04, 2014 7:19:36 AM	FYI-My Forum Post About Metering System		x		
Monday, August 04, 2014 10:29:38 AM	RE: Another one from the forum Re: Mediation Meeting Per Our Agreement		x		
Tuesday, August 05, 2014 10:04:58 PM	RE: Cedar Hills GRAMA Request - Daily Herald		x		
Wednesday, August 06, 2014 2:28:34 PM	RE: Cedar Hills GRAMA Request - Daily Herald	x			
Wednesday, August 06, 2014 2:51:33 PM	question	x			
Wednesday, August 06, 2014 5:24:46 PM	RE: question	x			
Wednesday, August 06, 2014 6:06:43 PM	RE: Decisions RAW data files	x			
Thursday, August 07, 2014 12:01:57 PM	DH article		x		
Thursday, August 07, 2014 7:56:12 PM	RE: question	x			
Friday, August 08, 2014 10:24:59 AM	RE: Another one from the forum			x	
Friday, August 08, 2014 4:16:58 PM	Legal question on GRAMA	x			
Sunday, August 10, 2014 12:23:46 PM	RE: Cromar has requested Rosemary's emails with the City	x			
Monday, August 11, 2014 9:50:00 AM	RE: Ltr to State Archives re mediator privilege 2014 08 11	x			
Monday, August 11, 2014 9:03:24 PM	RE: SR-146		x		
Tuesday, August 12, 2014 4:20:01 AM	RE: SR-146		x		
Tuesday, August 12, 2014 4:24:03 AM	RE: Decisions RAW data files	x			
Tuesday, August 12, 2014 11:32:44 AM	State of the City				Protected Document
Wednesday, August 13, 2014 1:35:51 PM	SOTC				Protected Document
Friday, August 15, 2014 10:45:31 PM	RE: Updates to 08-19-14 City Council Packet		x		
Monday, August 18, 2014 4:13:37 PM	RE:		x		
Tuesday, August 19, 2014 9:42:30 AM	RE:		x		
Tuesday, August 19, 2014 12:45:13 PM	RE:		x		
Sunday, August 24, 2014 9:56:13 PM	new Daily Herald article	x	x		
Sunday, August 24, 2014 10:30:31 AM	RE: Archive denial to Cromar	x			

