

STATE OF UTAH STATE RECORDS COMMITTEE FY 2024

Report compiled by the Executive Secretary for
the State Records Committee

SECRET



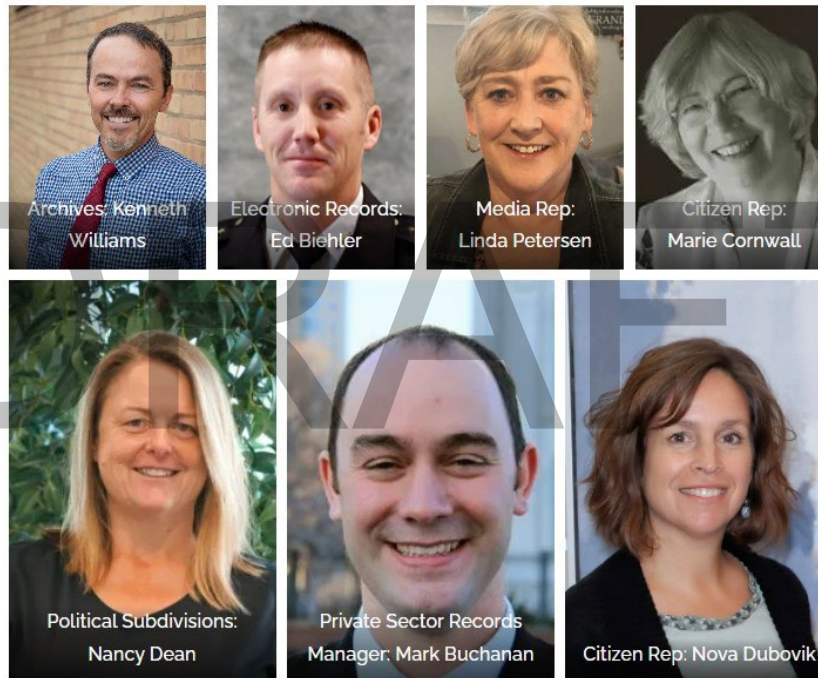
Introduction

This report contains a view of the appeals submitted to the State Records Committee this fiscal year. It also includes a synopsis of the litigation cases resulting from the Committee's decisions and orders. The State Records Committee was established in 1992 by the Utah Legislature under the Government Records Access and Management Act (GRAMA), Utah Code §63G-2-101. The seven-member committee is comprised of the state archivist or his designee, a person representing political subdivisions, as recommended by the Utah League of Cities and Towns, an electronic records representative, two citizen representatives, a media representative and a private sector records manager. The Committee's legal counsel is from the Attorney General's Office.

The Governor with the consent of the Senate appoints all members of the Committee. The Committee develops rules to govern its own proceedings as outlined in Title 63G, Chapter 3, and Utah Administrative Rulemaking Act. Orders are issued after each hearing reflecting the deliberation and vote of a majority of the Committee members. To proceed with business, there must be a quorum of five members present in person or online. Generally, the Committee holds its meetings on the third Thursday of each month. This year 63G-2-404 was updated to remove the requirement that the State Records Committee be a required party for judicial reviews. Section 403 and 401 were also updated to require governmental entities to notify requesters of the right to request mediation with the Government Records Ombudsman and suspend the 30-day deadline to appeal to the Committee while mediation is ongoing.

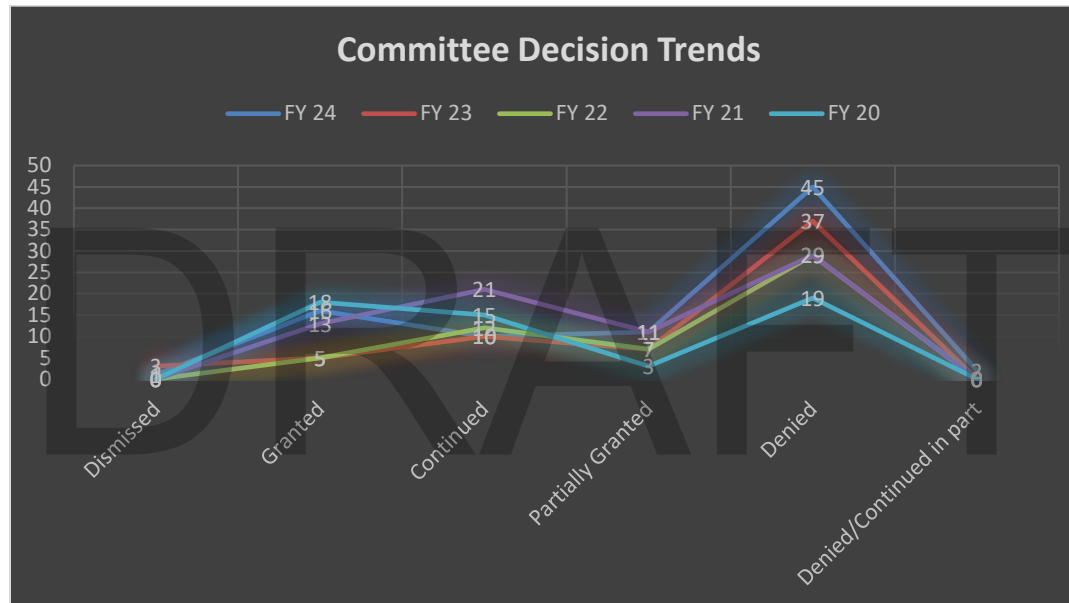
Appeals and orders are numbered by calendar year. Incomplete appeals are not numbered. Not all appeals received in a fiscal year are heard that year due to postponements, mediation, and the volume of appeals which causes hearings to be scheduled later. An extra meeting was held in August 2023, January 2024, and May 2024.

Committee Members

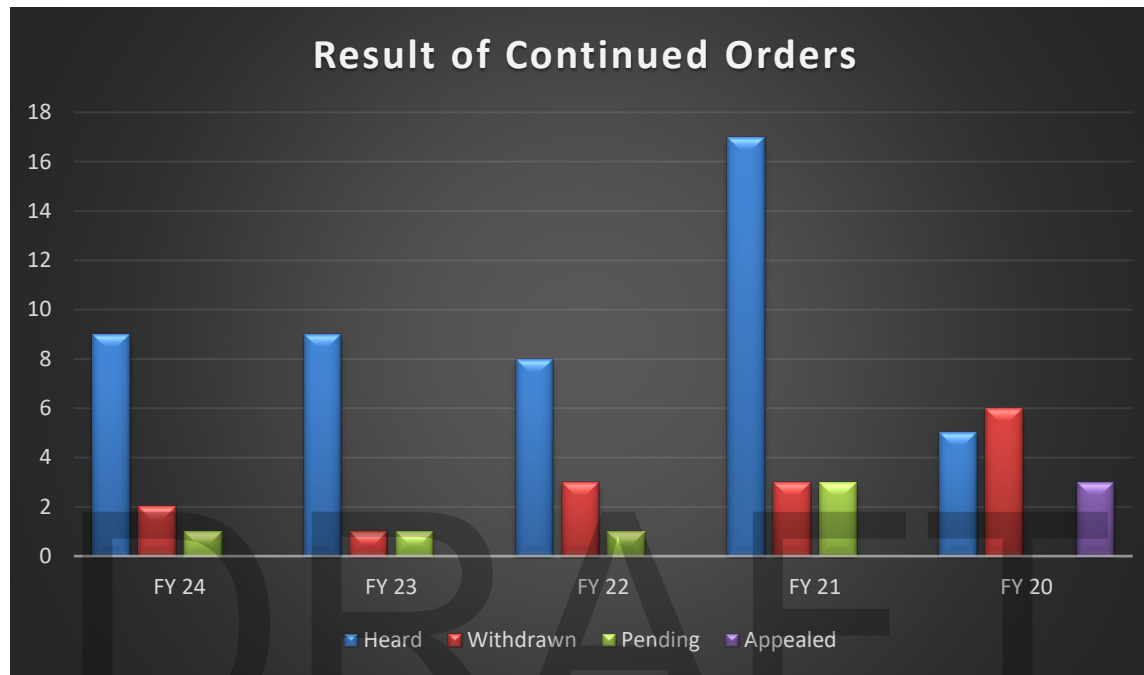


Top left to right: Kenneth Williams, State Archivist; Ed Biehler, Electronic Records Representative; Linda Petersen, Media Representative; Marie Cornwall, Citizen Representative. Bottom left the right: Nancy Dean, Political Subdivision Representative; Mark Buchanan, Private Sector Records Manager; Nova Dubovik, Citizen Representative.

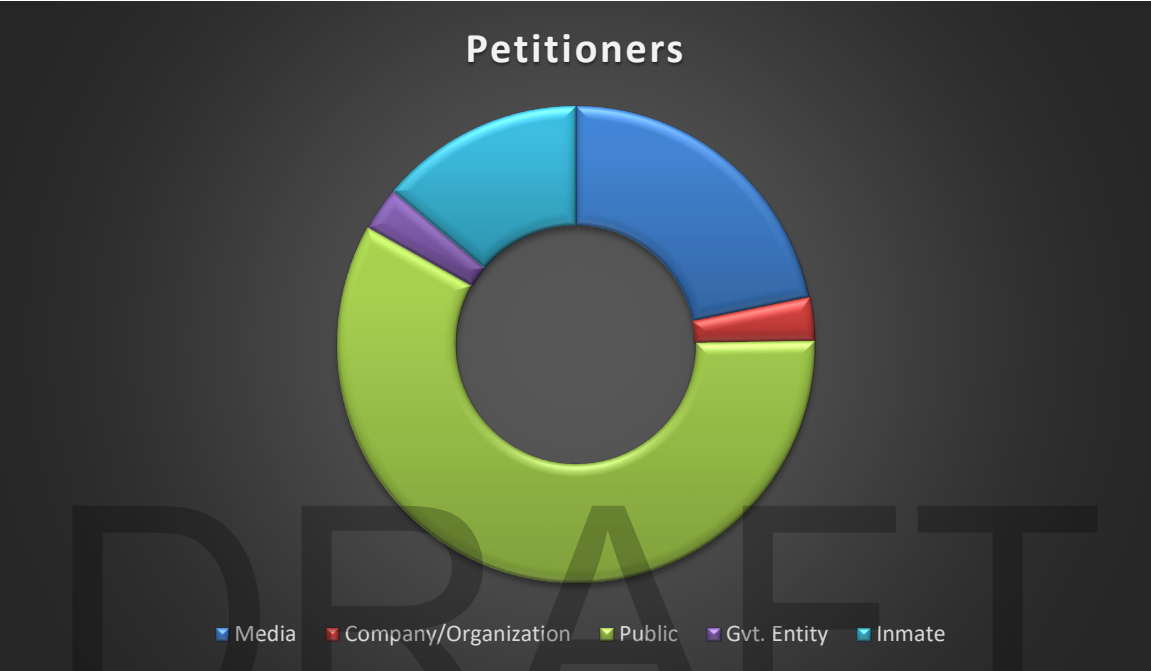
Breakdown of Appeals, Decisions and Orders



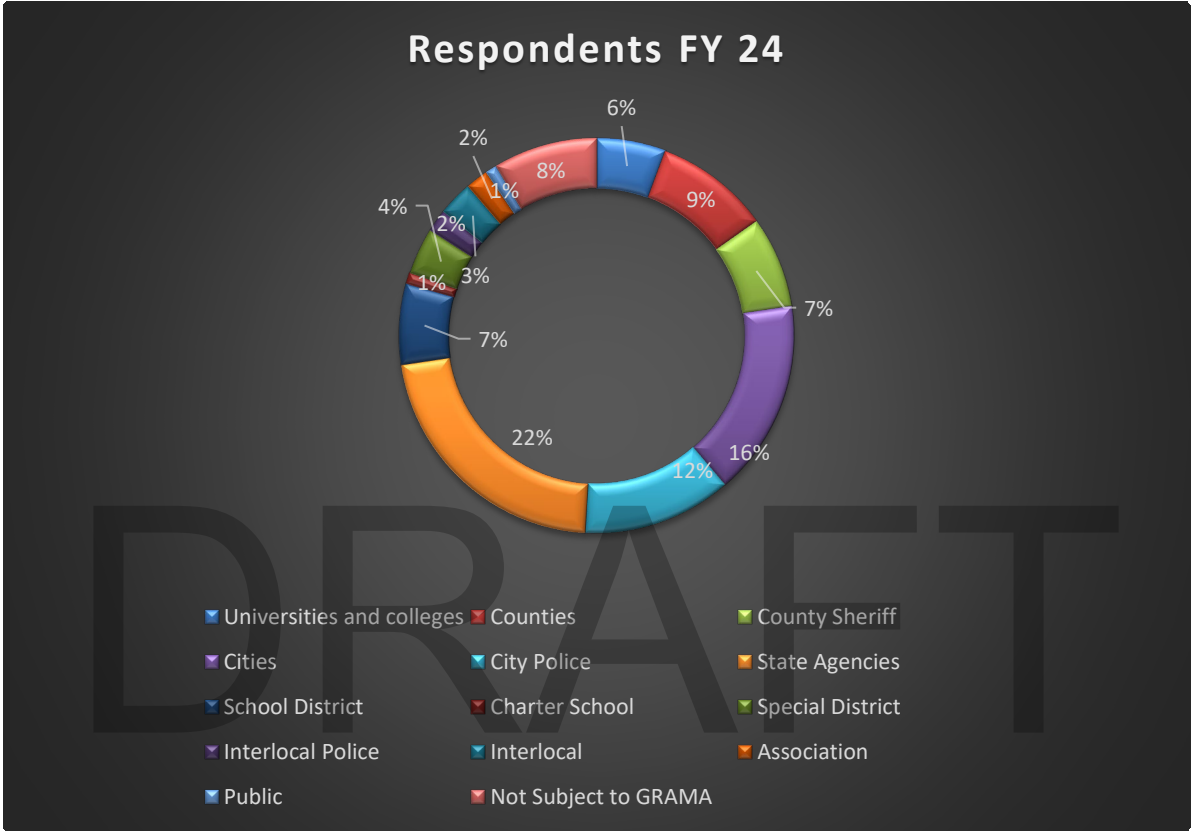
The State Records Committee had 85 Decisions and Orders in fiscal year 2024. This is the most orders the Committee has issued in a year. There were 63 Orders in 2023, 53 in 2022, 74 in 2021, and 55 in 2020. 45 appeals were denied in 2024, 37 in 2023, 29 in 2022, 29 in 2021 and 19 in 2020. Continuances composed of 10 orders in 2024, 10 in 2023, 12 in 2022, 21 in 2021, and 15 orders in 2020. 16 appeals were granted in 2024, 5 in 2023 and 2022, 13 in 2021, and 18 appeals were granted in 2020. One appeal was dismissed in 2024, and 3 in 2023. This year there was one partially continued and partially denied. Lastly, partially granted appeals consisted of 11 orders in 2024, 7 in 2023 and 2022, 11 in 2021, and 3 in 2020.



A continuance means the appeal is scheduled for a later date. The order to continue an appeal hearing may be appealed to district court, heard by the committee later, or withdrawn by the petitioner. Withdrawal usually follows working with the Government Records Ombudsman. There are currently two appeals are held in abeyance waiting for a related court case to resolve. (One from FY 24 and the other from FY 23)

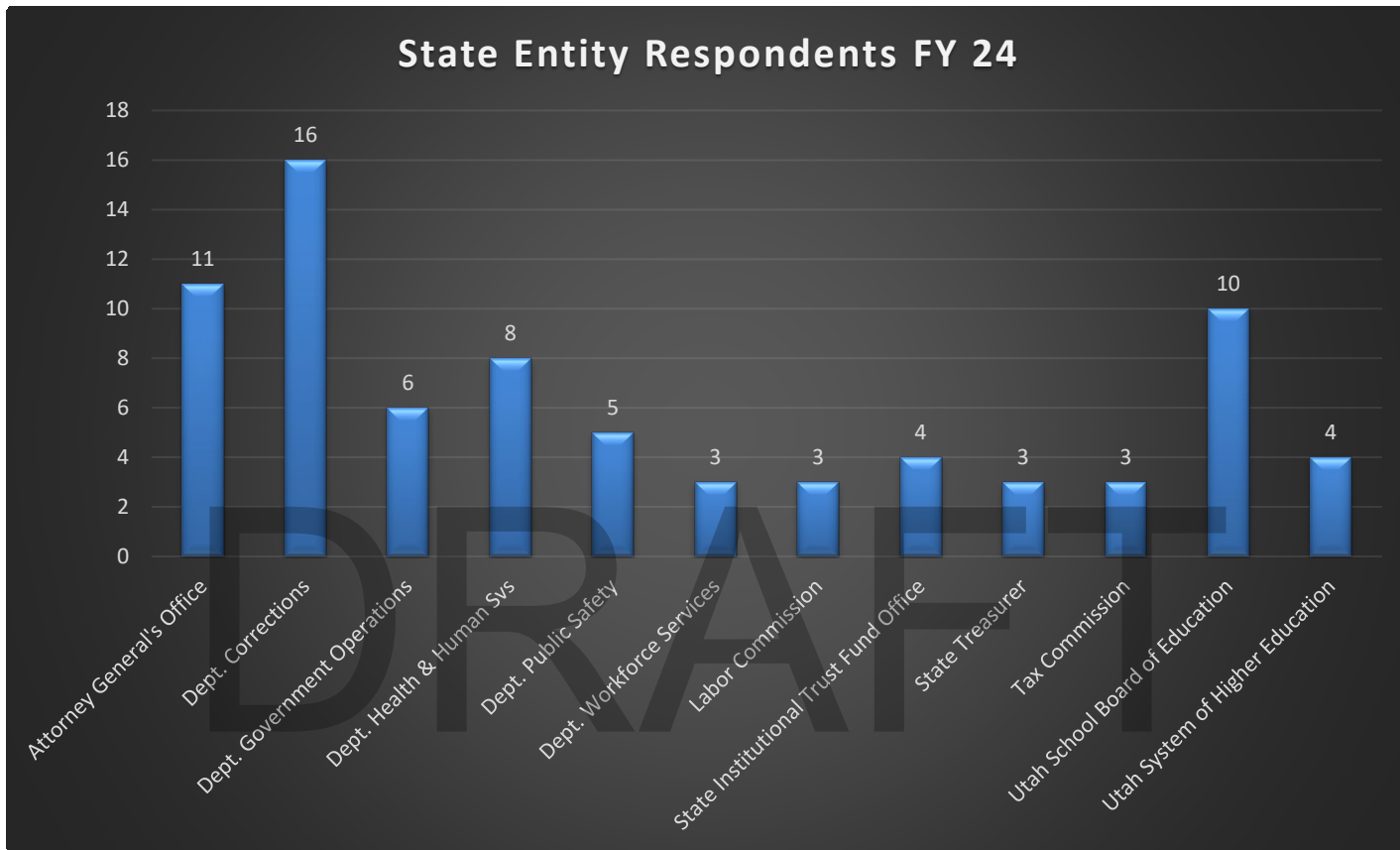


There were 115 unique petitioners in the 261 appeals received in fiscal year 2024: 59 from the public, 14 from inmate, 22 from the media, and 3 from a company or organization. Three appeals filed were from governmental entities under Section 63G-2-209.

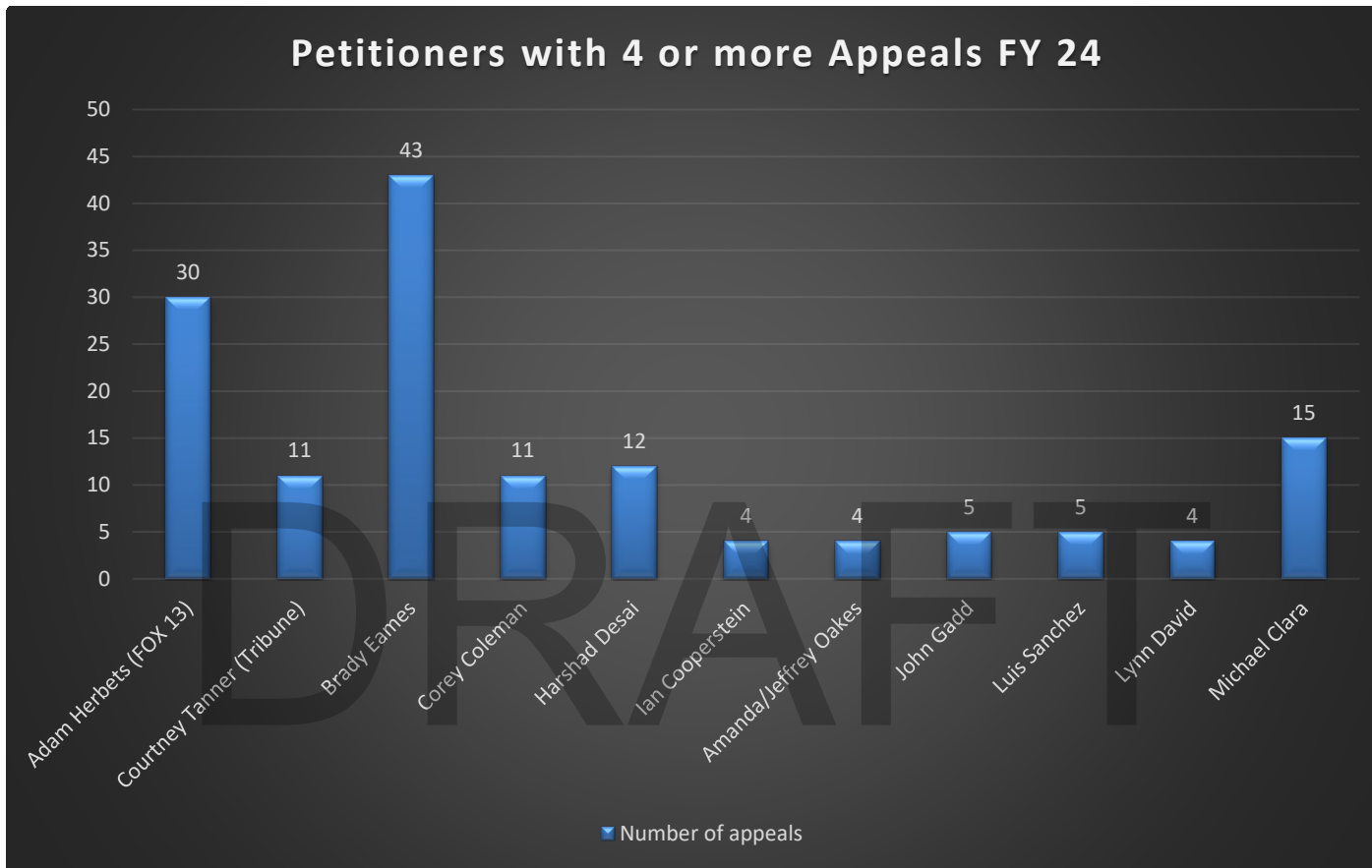


There were 106 respondents for the 261 appeals this year: 6 universities, 10 counties, 8 county sheriff departments, 17 cities, 13 city police departments, 23 state entities, 7 school district, 1 charter school, 4 special districts, 4 interlocal police departments, 2 interlocal entities, 2 associations, and 9 entities not subject to GRAMA.

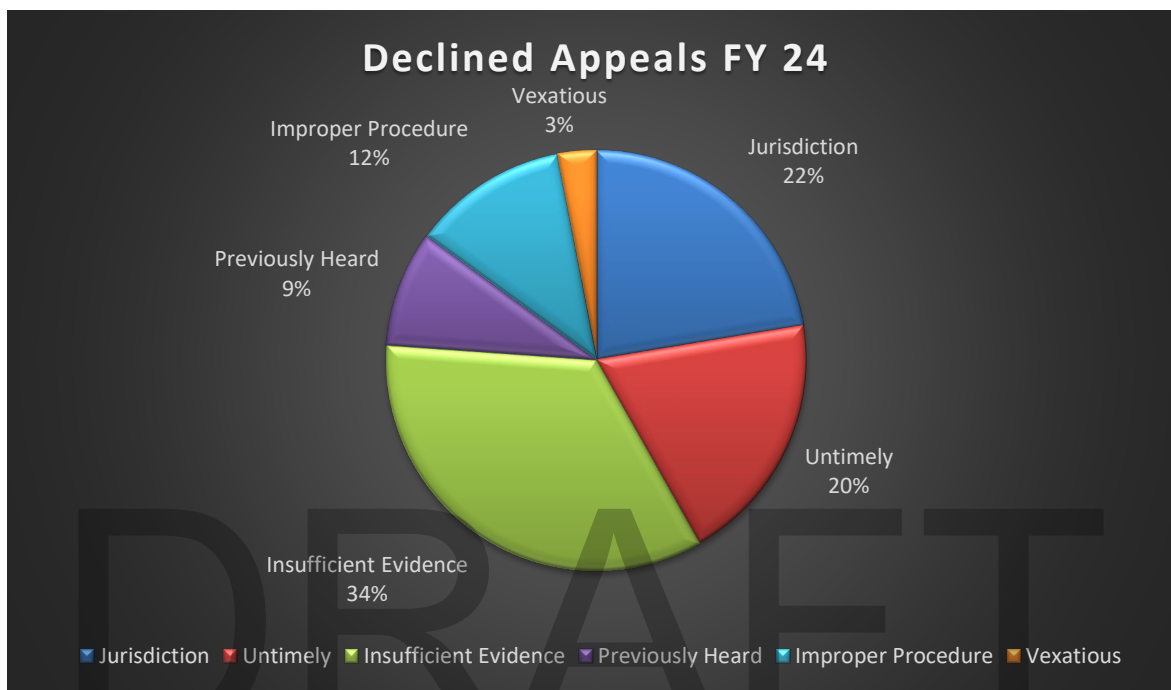
There was one individual who was a respondent for appeals filed under Utah Code 63G-2-209.



This table shows entities with or more appeals. There were 5 others with 2 appeals.

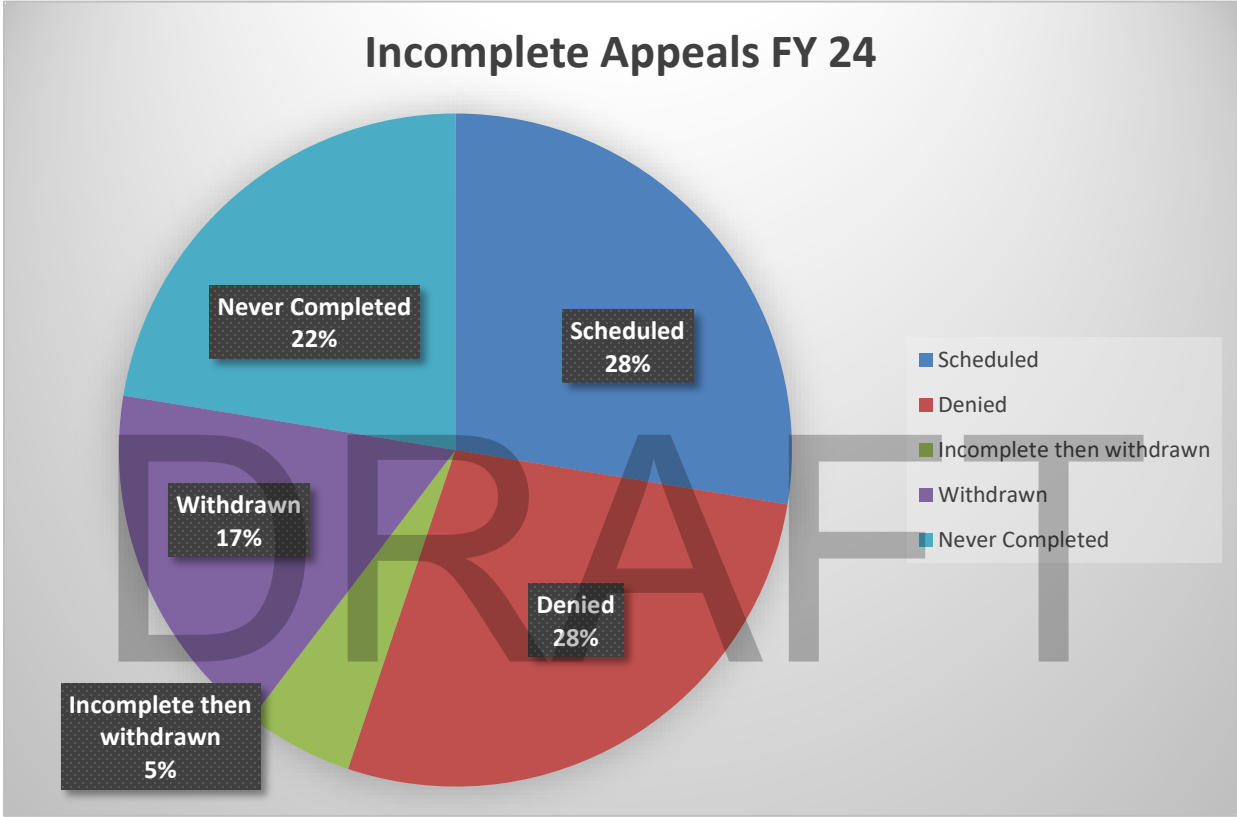


This table lists the petitioners who submitted 4 or more appeals. There were 6 additional petitioners who submitted three appeals, and 6 petitioners who submitted two appeals. They are not included in this table. It is common for multiple requests to be filed to an entity because the requester does not know what specific record they need to answer their question.

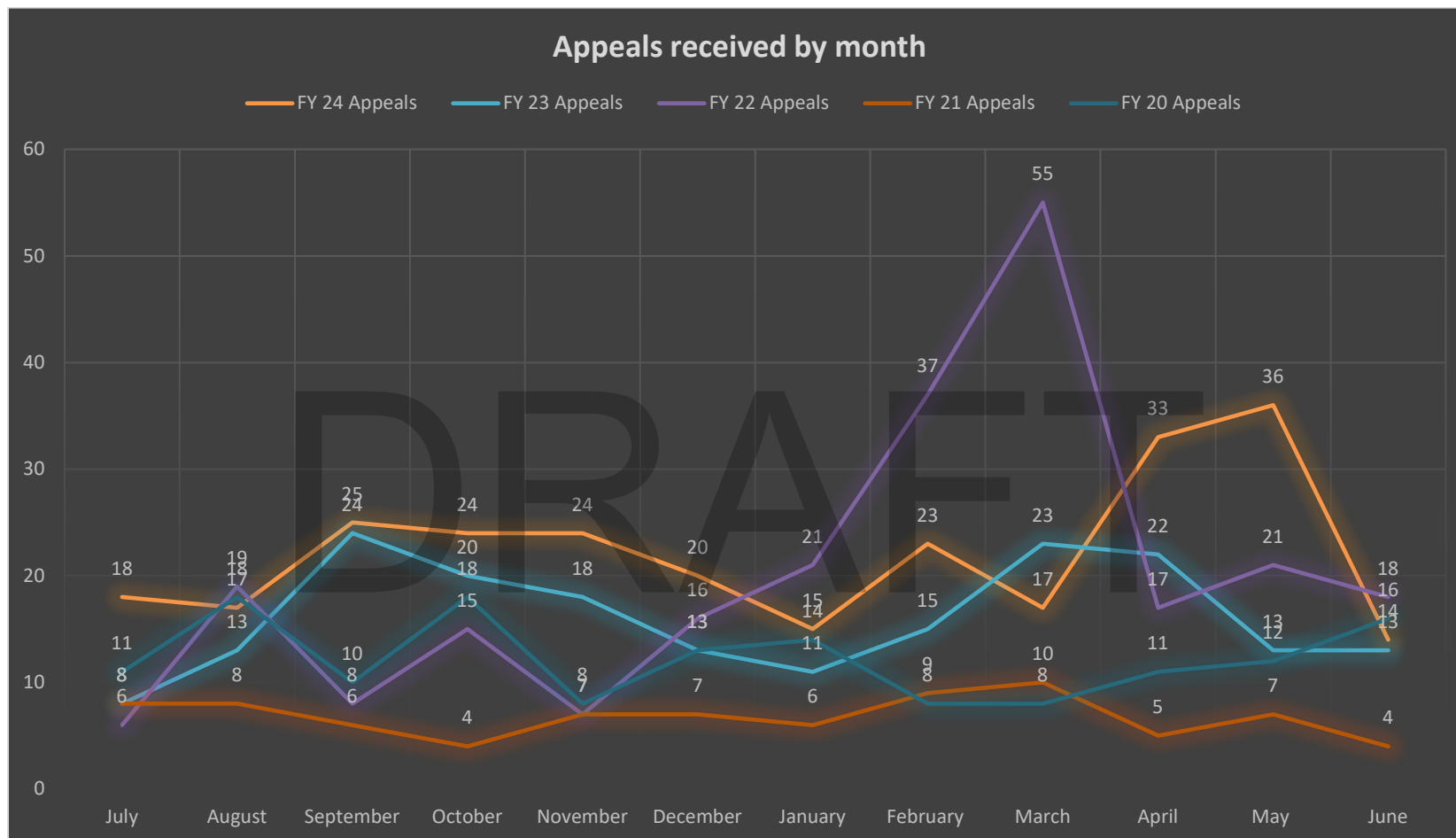


These appeals are declined by the Executive Secretary in consultation with the Chair. 66 appeals were declined this fiscal year. A denial may include more than one reason. For example, an appeal could be denied because it was untimely and access to the records had not been denied.

15 were denied because they were out of the Committee’s jurisdiction. 13 were untimely (this can mean it was filed too late, or it needed to be appealed to the Chief Administrative Officer first). 23 had insufficient evidence that records exist or the records were already destroyed according to a retention schedule. 6 were denied because the Committee had heard the appeal before per [Utah Code 63G-2-403\(4\)\(b\)](#). 8 are listed as “improper procedure” if the request or appeal went to the wrong person and the secretary provided the petitioner with who to go to, or the appeal was already in district court. 2 were for appeals with entities where the petitioner was previously determined by the Committee to be a vexatious requester.



This year, 10 appeals were withdrawn before they could be reviewed by the Executive Secretary. 48 were incomplete. Of the incomplete appeals, 16 were later scheduled, 16 were denied, and 3 were withdrawn, and 13 were never completed.



The autumn and spring were busier than previous years. Incomplete appeals that are later completed are counted twice because both get a complete review to determine if it will be scheduled or denied.