GRAMA

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA)

UTAH CODE – TITLE 63G – CHAPTER 2

City of Taylorsville
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…Not this kind of Grandma!

PURPOSE AND INTENT OF GRAMA

- Recognize the **public's right of access to information** concerning the conduct of the public's business and the right of privacy in relation to personal data gathered by governmental agencies.
- Provide standards & guidelines concerning municipal records & information practices.
- Provide standards for classification & designation.
- Establish access criteria, procedures & response times for requests to inspect or obtain copies; and establish time limits for appeals of denials.
- **Not intended to be a revenue generator.**

RECORD CLASSIFICATION

Public Records:

- All records are public unless they fit within one of the categories exempt from public disclosure.
- Any requester may inspect a public record free of charge during normal working hours. See § 201.

RECORD CLASSIFICATION

Private Records:

- Private records are records about individuals that contain personal information, such as medical or personal financial information. Private records are ordinarily available only to the subject of the record or to a person with written permission from the subject. See § 302.
- Records related to "at-risk" government employees (i.e. police officers, judges, prosecutors, etc.) may be deemed private. See § 303.

RECORD CLASSIFICATION

Controlled Records:

- This record contains medical, psychiatric, or psychological data about an individual.
- The governmental entity reasonably believes that releasing the information in the record to the subject of the record would be detrimental.
- Releasing the information would constitute a violation of normal professional practice and medical ethics. See § 304.

Limited Records:

- Access to some government records is limited

by the specific law that authorizes or requires the keeping of the record. [FERPA, HIPAA, Federal Medicaid Statute]

RECORD CLASSIFICATIONS

Protected Records:

- Generally available only to the person that submitted the records or to an individual who has written authorization from all individuals or entities whose interests are sought to be protected. See § 305.
- Trade secrets, minutes/recordings of closed meetings, and certain records related to real property are examples of protected records.

63G-2-202. Access to private, controlled, and protected documents.

(6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain evidence of the requester's identity.

Confidentiality Claims

63G-2-309. Confidentiality claims.

(1) (a) (i) Any person who provides to a governmental entity a record that the person believes should be protected under Subsection 63G-2-305(1) or (2) or both Subsections 63G-2-305(1) and (2) shall provide with the record:

(A) a written claim of business confidentiality; and

(B) a concise statement of reasons supporting the claim of business confidentiality.

Note: *This may apply to certain bid responses or contracts held by the City if a claim of confidentiality has been submitted.*

Record Classification

An extensive list of types of public, private, protected, and controlled records can be found in:

U.C.A. 63G-2-301 through 63G-2-305

Those employees who are records officers in their departments and help process GRAMA requests should familiarize themselves with these sections to determine the appropriate classification of records in their custody.

Any questions on records classification should be directed to the City Attorney or the City Recorder.

WHAT IS A RECORD?

- Anything that provides information in a documentary form, i.e. documents, letters, memos, emails, text messages, films, books, plans, photographs, maps, recordings, reports, and electronic data (regardless of physical form or characteristics) that is prepared, owned, received, or retained by a governmental agency. See § 103.

WHAT IS NOT A RECORD?

- Duplicate copies
- Temporary Drafts
- Daily Calendars
- Materials legally owned by an individual in a private capacity
- Proprietary software
- Copyrighted or patented materials unless owned by the governmental entity
- Books and other cataloged materials owned by a public library

Electronic Communication (Email)

- **REMINDER!** Email correspondence is subject to GRAMA!!!
- Employees must adhere to the City's ***Electronic Mail and Electronic Documents Policy,*** as included in *Taylorsville's Human Resources Policy and Procedures Manual* (employees have been required to certify that they have read and agreed to this policy).

Why Manage Electronic Communication (Email)?

- Allows for more efficient day-to-day work
- Email may be an official record
- Helps facilitate responding to GRAMA Requests or litigation discovery

Legally destroyed records are no longer subject to GRAMA requests or litigation discovery.

Email Records are Property of the City and are Subject to the Municipal Retention Schedule

Determine the "Record Copy" of Emails:

- The "Record Copy" can include both sent and received email messages.
- Attachments included with emails are part of the "Record Copy."
- If there is an email thread, the final email that includes the entire thread is the "Record Copy."
- Determine one of two dispositions:
  - Must be Kept
  - Destroy

Retention Schedules

There are 3 Categories of Correspondence/Email:

Transitory – Transmittal information, feedback on routine business matters, and substantive information contained in attachment.

Administrative – Administering agency functions or programs; implementation of agency functions.

Executive – Unique information relating to the agency's functions, policies, procedures, or programs; executive decisions regarding agency interests.

Retention Schedules

TRANSITORY CORRESPONDENCE (Including Email):

Incoming and outgoing correspondence, regardless of format or mode of transmission, related to matters of short term interest.

Transmittal correspondence between individuals, departments or external parties containing no final contractual, financial or policy information.

This correspondence does not impact agency functions. When resolved, there is no further use or purpose.

RETENTION: Retain until administrative need ends and **then DESTROY.**

DESIGNATION: Public

Retention Schedules

ADMINISTRATIVE CORRESPONDENCE (Including Email):

Incoming and outgoing business-related correspondence, regardless of format or mode of transmission, created in the course of administering agency functions and programs.

Administrative correspondence documents work accomplished, transactions made, or actions taken.

This correspondence documents the implementation of agency functions rather than the creation of functions or policies. Business-related correspondence that is related to a core function with an associated retention schedule should follow the associated schedule.

RETENTION: **Retain for 7 years** and then destroy.

DESIGNATION: Public

Retention Schedules

EXECUTIVE CORRESPONDENCE (Including Email):

Incoming and outgoing business-related correspondence, regardless of format or mode of transmission, that provides unique information relating to the functions, policies, procedures or programs of an agency.

These records document executive decisions made regarding agency interests. Executive decision makers may include the Director, Chief Administrative Officer, Public Information Officer or other internal administrators as identified by the executive office.

RETENTION: **Permanent**

DESIGNATION: Public

RETENTION OF EMAILS

- **Each employee has individual responsibility to appropriately (and legally) manage his/her email correspondence.**

- Once you have determined that an email must be retained, you may either save it in an appropriate subfolder on the server or forward it to the City Recorder for inclusion in the City file.

Email & Text Messages

- USE CAUTION!!
- *Advice from our City Attorney!* ☺

Questions?

CITY OF
TAYLORSVILLE
UTAH