

GRAMA

Government Records Access
and Management Act

2 CONSTITUTIONAL RIGHTS

Public Right of Access to Information Concerning the Conduct of the Public's Business

Right of Privacy in Relation to Personal Data Gathered by Governmental Entities



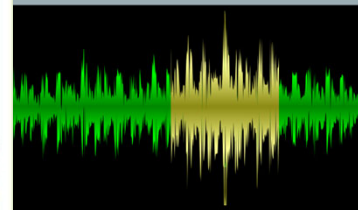
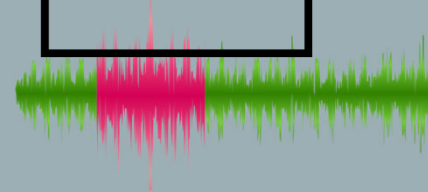
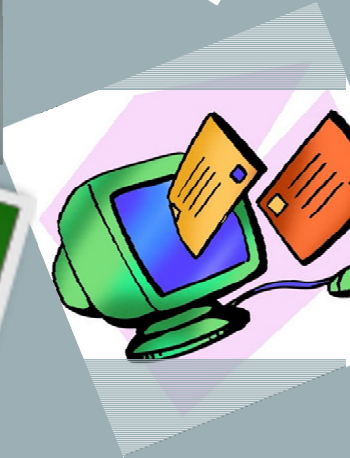
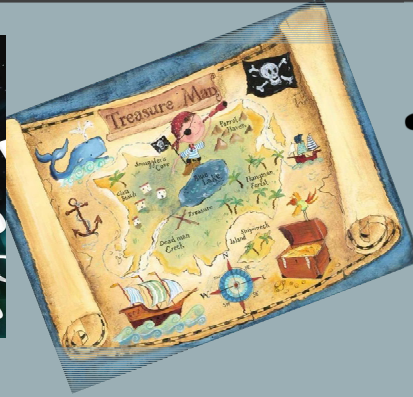
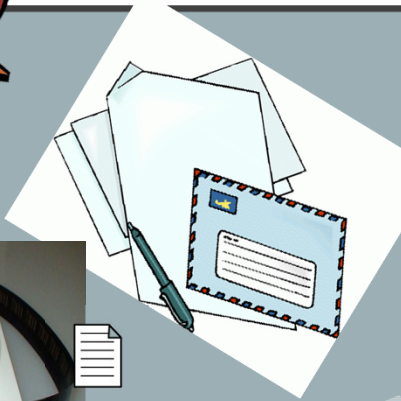
LEGISLATIVE INTENT

1. Promote the Public's Right of **Easy and Reasonable Access to Unrestricted Public Records**
2. Specify Those Conditions Under which the Public Interest in Allowing Restrictions on Access to Records may Outweigh the Public's interest in access
3. **Prevent Abuse of Confidentiality** by Governmental Entities by Permitting Confidential Treatment of Records only as Provided in GRAMA
4. Provide Guidelines for Both Disclosure and Restrictions on Access to Government Records
5. **Favor Public Access when, in the application of this act, countervailing interests are of equal weight**
6. Establish Fair and Reasonable Records Management Practices.

GENERAL RULES - GRAMA

1. Every Person Has the Right to Inspect a Public Record Free of Charge
2. A Record is Public Unless Otherwise Expressly Provided by Statute
3. Private, Controlled, or Protected Records are not Public

WHAT IS A RECORD?



A RECORD IS:

- Prepared, owned, received, or retained by a governmental entity or political subdivision
- Where all of the information in the original is reproducible by photocopy or other mechanical or electronic means

A RECORD IS NOT:

- Personal Notes
- Temporary Drafts
- Privately Owned Documents
- Copyrighted or Patented Material
- Proprietary Software
- Personal Calendars
- Private Phone Numbers

A RECORD IS NOT:

- A Chance to ask an agency questions or to ask an agency to compile information.
- “In response to a request, a government entity is not required to create a record, compile, format, manipulate, package, summarize, or tailor information, provide a record in a particular format...”

RESTRICTED RECORDS

- Private Records
- Controlled Records
- Protected Records
- Student Records

STUDENT RECORDS

- 63G-2-107(3)

The disclosure of an education record is governed by FERPA.

WHAT ABOUT EMAILS?

EMAILS ARE RECORDS

- All USBE emails are preserved by the IT team.
- State agencies are required to preserve emails from most staff and elected officials for SEVEN (7) years.
- Emails involving the superintendency are subject to a PERMANENT retention schedule as Executive correspondence.

STATE ARCHIVES EMAIL GUIDELINES

- State Provided Email Is Considered the Primary Venue for Conducting State Business, and Such Business Should Not be Conducted Using Third Party Email Providers.
- Email Should be Preserved and Managed Consistent with State Records Policies and Rules.
- Counsel: Board Members Should Use a schools.utah.gov email for Board business.
- Counsel: Copy USBE Staff on USBE business.

WHAT ABOUT TEXT MESSAGES?

DEAR ABBY,

I RECENTLY RECEIVED A GRAMA REQUEST FOR OUR CITY'S PROCEDURES FOR THE RETENTION OF TEXT MESSAGES ON CITY OFFICIALS' PHONES. I CAN'T FIND THE GENERAL RETENTION SCHEDULE FOR TEXT MESSAGES AND NEED HELP CREATING A POLICY. CAN THE ARCHIVES HELP?

SINCERELY, ONE WEARY RECORDER

DEAR WEARY RECORDER,

TEXT MESSAGES, LIKE EMAILS, ARE CORRESPONDENCE. THE ARCHIVES HAS A VARIETY OF CORRESPONDENCE RETENTION SCHEDULES THAT CAN BE USED DEPENDING ON THE CONTENT OF THE MESSAGE. MOST CORRESPONDENCE FALLS INTO TWO CATEGORIES: TRANSITORY AND ADMINISTRATIVE. YOU CAN FIND THE TRANSITORY CORRESPONDENCE (GRS-1759), LOCAL GOVERNMENT ROUTINE ADMINISTRATIVE (GRS-1760) AND STATE GOVERNMENT ROUTINE ADMINISTRATIVE CORRESPONDENCE (GRS-48) SCHEDULES ON THE ARCHIVES RETENTION SCHEDULE WEBSITE.

TEXT MESSAGES TYPICALLY FALL INTO THE TRANSITORY CORRESPONDENCE CATEGORY AND CAN BE DELETED AS SOON AS THE CONTENT HAS BEEN ACTED ON. BUT IF FOR ANY REASON A TEXT MESSAGE DOCUMENTS A BUSINESS DECISION, IT MAY NEED TO BE DOWNLOADED AND KEPT IN A RECORD KEEPING SYSTEM FOR A LONGER AMOUNT OF TIME. ALWAYS ENCOURAGE OFFICIALS TO MAKE BUSINESS RECORDS IN A GOVERNMENT SYSTEM WHERE THEIR MANAGEMENT CAN BE BETTER CONTROLLED. THE ARCHIVES ALSO PROVIDES AN EMAIL MANAGEMENT GUIDELINE THAT YOUR AGENCY CAN USE TO HELP CREATE A POLICY FOR CORRESPONDENCE THAT WORKS BEST FOR YOU! IF YOU HAVE ADDITIONAL QUESTIONS, YOUR ARCHIVES RIM SPECIALIST IS ALWAYS AVAILABLE.

HOPE THIS HELPS!

ABBY

WHAT IS TRANSITORY CORRESPONDENCE?

- Incoming and outgoing correspondence, regardless of format or mode of transmission, related to matters of *short-term interest*.
- Transmittal correspondence, including email, is transitory unless part of another process.
- This correspondence does not impact agency functions.
- Examples: Lunch plans, Comments on how boring a meeting is, Notes about running late, Congratulatory notes, etc.

- WAIT! THE BOARD DOESN'T PAY FOR MY PHONE! MY TEXTS ARE MY BUSINESS!



MARK ALLEN V. UTAH COUNTY

[HTTPS://ARCHIVES.UTAH.GOV/SRC/SRCAPPEAL-2021-36.HTML](https://archives.utah.gov/src/srcappeal-2021-36.html)

- GRAMA Appeal over access to a County Commissioner's cell phone texts related to an item of public business.
- “It would be inappropriate for a public official to attempt to circumvent the requirements of OPMA and GRAMA by using a private device while conducting the people's business.”
- “[A] record prepared by a government employee within his or her capacity as a government employee, may be a ‘record’ subject to GRAMA.”
- Higher standard of transparency for elected or appointed officials.

SO, WHAT SHOULD I DO WITH MY TEXTS?

If your texts document USBE business decisions, you should download them and work with the Board Secretary to save them.

FRIENDLY ADVICE



Be conscientious about what you include in correspondence with fellow Board members and Board staff.

USBE GRAMA REQUESTS

- Procurement Process Results
- Student Records (Transcripts, Registration Records)
- UPPAC/Audit Records
- Staff / Boardmember Communications
- Financial Records

USBE GRAMA REQUESTS

- FY 25-26 (YTD) 123
- FY 24-25 159
- FY 23-24 173
- FY 22-23 103
- FY 21-22 155
- FY 20-21 93

APPEALS

1. Requesters may appeal to the Superintendent as CAO of the agency.

2. Requesters may appeal to the Government Records Office

The Records Committee that previously handled appeals was dissolved following the 2025 legislative session.

3. Requesters may use the court process for appeals as well.

QUESTIONS?