

GRAMA

Utah Transparency Board

July 7 2015

GRAMA Requests Classification

- **63G-2-102 Legislative intent.** (1) In enacting this act, the Legislature recognizes two constitutional rights; (a) the public's right of access to information concerning the *conduct of the public's business*; and (b) the *right of privacy* in relation to personal data gathered by governmental entities.

GRAMA Requests Classification

- A person makes a GRAMA request
- But a person might or might not be an individual
- Nothing in GRAMA specifically restricts access to open records requests
- GRAMA anticipates that records will have multiple classifications, and that government shall segregate records in records requests
- Is there any part of a GRAMA request that is a restricted record?
- The law specifies that governmental entities are responsible to classify their own records



GRAMA Requests Classification

- Sample request:
 - *Title:* Request for unemployment records
 - *Description:* The firm of Jackson Lewis P.C. represents Sutter Connect LLC in a lawsuit **[Individual's Name]** v. Sutter Connect LLC, in U.S.D.C. for the District of Utah, Case No. 2:14-cv-00511-DB. **[Individual's Name]** made a **claim for unemployment benefits** with your agency in approximately November 2012. For reference of documents sought, the Employer Account Number is **[Id#]** and a document number **[Id#]** is connected to **[Individual's Name]**'s case file (in lieu of her social security number in this email). Please forward all documents concerning **[Individual's Name]**'s claim, including and without limitation to documented work search efforts, job opportunities, applications submitted, consultations with any department staff member, etc.

GRAMA Requests Classification

- Sample request:
 - *Title:* Elder Abuse for **[Individual's Name]** DOB **[MM/DD/YYYY]**
 - *Description:* Copy of initial complaint, statements made by **[Employee Name]**, **[Individual's Name]**, **[Employee Name]** and investigators report.

GRAMA Requests Classification

- Sample request:
 - *Title:* RESULTS OF INVESTIGATION
 - *Description:* I CONTACTED ADULT PROTECTIVE SERVICE ABOUT MY SISTER **[INDIVIDUAL'S NAME]** STEALING MONEY FROM MY PARENTS, AN INVESTIGATION WAS DONE AND I WANT TO KNOW THE RESULTS. MY CASE WORKER WAS **[EMPLOYEE'S NAME]**. THIS TOOK PLACE IN **[CITY]** AND **[CITY]** UTAH I WAS TOLD TO ASK YOU FOR THIS FROM **[EMPLOYEE'S NAME]**.

GRAMA Requests Classification

- Examples:
 - [State Auditor](#)
 - [State Archives](#)
- Suggestion:
 - Enable the portal to allow entities to post/redact own GRAMA requests

The Portal Response

Entities' Response

- State
 - Generally favorable
 - Viewed as an opportunity to control GRAMA requests
 - Some would like to require use of portal
 - 63G-2-204(2)(d) "A governmental entity may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall be directed."

Entities' Response

- Local Government: Divided Response
 - More urban, more populous
 - Rural, less populous

Entities' Response

- Ordinances that require use of own form
- Portal will increase the number of requests
- Concern over the Open Data portal

Open Records

Open Records

- Administrative Rules
 - Reports
 - Publications
 - Minutes
 - Maps, photos, collections
- Ordinances/Policies