

State Records Committee Meeting

Date: November 17, 2022

Time: 9:00 a.m. – 4:00 p.m.

Committee Members Present:

Kenneth Williams, Chair, State Archivist
Nova Dubovik, Citizen Representative
Nancy Dean, Chair pro tem, Political Subdivision Representative
Mark Buchanan, Private Sector Records Manager
Ed Biehler, Electronic Records and Databases Representative
Linda Petersen, Media Representative

Committee Members Absent:

Marie Cornwall, Citizen Representative

Legal Counsel:

Brian Swann, Assistant Attorney General
Michelle Adams, Paralegal

Executive Secretary:

Rebekkah Shaw, Utah State Archives

Others Present:

Patrick Sullivan
Wes Mangum, Attorney, Sanpete County
Azlen Marchet
Richard Jorgensen, Assistant Attorney General, Dept. Public Safety
Lynn David
Shelby Thurgood, Attorney, Wasatch County
Chase Bales, attorney, KUTV
Wendy Halloran, KUTV
Michelle Doe, KUTV
Blaine Hansen, Assistant Attorney General, Dept. of Corrections
Glenn Ercanbrack, Deputy Director, Adult Probation & Parole
Jennifer Weaver, Dept. Government Operations
Michele Marfox
Melanie Marlow, Dept. Public Safety
Rich Jergensen, Dept. Public Safety
Lonny Pehrson
Priscilla Eichelberger
Miller Eichelberger
Marianne Swenson
Jann Farris
Jamie Brooks

Candee Allred
Tavin Forsythe Baker
Liam Truchard

Agenda:

- o Five Hearings Scheduled
 - o Patrick Sullivan v. Sanpete County (2022-125)
 - o Azlen Marchet v. Department of Public Safety (2022-167)
 - o Lynn David v. Wasatch County (2022-175, 2022-176, 2022-177, 2022-205)
 - o Wendy Halloran (KUTV 2) v. Department of Corrections (2022-178)
 - o Raphael Cordray v. Carbon County (2022-135)
- o Business
 - o Oath of Office, Linda Petersen
 - o Approval of October 13, 2022, SRC Minutes, action item
 - o SRC appeals received and declined, notices of compliance, and related action items
 - o Cases in district court, report
 - o Committee members' attendance polled for next meeting, format and quorum verification

Call to Order

The Chair pro tem called the meeting to order.

Business 1 of 2

Oath of Office, Linda Petersen Ms. Adams administered the oath.

Approval of October 13, 2022, SRC Minutes, action item

Motion by Ms. Dubovik to approve the minutes from October. Seconded by Mr. Buchanan.

Vote: Aye: 3. Nay: 0. Abstain: 2. Mr. Buchanan, Ms. Dean, Ms. Dubovik voted in favor. Ms. Petersen, Mr. Biehler abstained.

1. Raphael Cordray v. Carbon County (2022-135)

Ms. Shaw read an email from Mr. Bryner, the respondent, stating that all responsive records were provided. Ms. Cordray stated she received the email 10 minutes prior and needed to review the records.

Ms. Dean stated the requester could appeal anything she believed was missing to the Chief Administrative Officer.

Motion by Ms. Dean to consider the respondent has complied with the October order and the appeal is moot. Seconded by Mr. Biehler.

Vote: Aye: 5. Nay: 0. Mr. Buchanan, Ms. Dean, Mr. Biehler, Ms. Petersen, Ms. Dubovik voted in favor.

Business 2 of 2

SRC appeals received and declined, notices of compliance, and related action items

Ms. Shaw reviewed appeals with the Committee. Eleven appeals were denied since the Committee met in October 2022:

2022-213	Brady Eames v. Dept. of Government Operations	Requesting access to Justice Durrant oaths of office. Denied because all responsive records were provided.
2022-212	Brady Eames v. Dept. of Government Operations	Requesting access to Justice Durham oaths of office. Denied because all responsive records were provided.
2022-211	Ross George v. Dept. of Corrections	Requesting why his case manager was changed. Denied because sufficient proof was not provided that responsive records exist.
2022-210	Ian Cooperstein v. University of Utah	Requesting access to notes used to create a transcript. Denied because sufficient proof was not provided that records exist. The requester stated the date used in the request was incorrect and fixed it in the CAO appeal. The respondent stated this is a new request. The Chair agreed.
2022-207	Jonathan Bejarano v. Alpine School District	Requesting the names of committee members serving on 23 review boards. Denied due to lack of jurisdiction. The request is a question asking for information, not a request for a record.
2022-206	Stephen Pace v Salt Lake City	Requesting access to a transcript, correspondence, and an order to modify minutes. Denied because access to the records was not denied and sufficient evidence was not provided that additional records exist. Also denied due to lack of jurisdiction to modify minutes.
2022-204	Daniel Herrera v. Board of Pardons and Parole	Requesting a case number. Denied due to lack of jurisdiction because the request is a question and not a request for records.

2022-201	ShonTae Hatch v. Richfield City	Appeal is regarding a city development project. This was titled "drainage". Denied because access to the records was not denied. The appeal is asking questions but does not appeal the denial of a record.
2022-200	ShonTae Hatch v. Richfield City	Appeal is regarding a city development project. This one was titled "Infrastructure". Denied because access to the records was not denied. The appeal is asking questions but does not appeal the denial of a record.
2022-199	ShonTae Hatch v. Richfield City	Appeal is regarding a city development project. This one was titled "Ordinance". Denied because access to the records was not denied. The appeal is asking questions but does not appeal the denial of a record.
2022-198	ShonTae Hatch v. Richfield City	Appeal is regarding a city development project. This was titled "Indian Springs". Denied because sufficient proof was not provided that additional records exist.

Cases in district court, report

Mr. Swan reviewed the status of cases in district court. He stated the court has asked for more substance to be added to the Committee's orders.

Committee members' attendance polled for next meeting, format and quorum verification

A quorum was confirmed for December 15th.

Motion by Mr. Biehler to recess for five minutes. Seconded Mr. Buchanan.

Vote: Aye: 5. Nay: 0. Mr. Buchanan, Ms. Dean, Mr. Biehler, Ms. Petersen, Ms. Dubovik voted in favor.

2. Patrick Sullivan v. Sanpete County (2022-125)

Petitioner Statement

Mr. Sullivan stated there were two separate requests submitted to the county clerk's office. He stated the county did not respond and he appealed to the Chief Administrative Officer. He stated that Mr. Mangum responded to both, but is not the record officer for the county or the clerk's office.

Mr. Sullivan stated that the county is not a single entity. He stated the response implies he can only have five requests for the entire county. He stated that Utah Code 63G-2-103(11)(d) says

an entity is also every office and board so it is not defined by hierarchy. He stated that the divisions in the Department of Government Operations are their own entities. He stated he should have five requests for each county office.

Mr. Sullivan stated that he asked for a Google Vault search for several accounts, but some people do not work there anymore. He stated that some records provided were from the active account and not Vault. He stated the provided records appeared to be copied into Microsoft Word. He stated that the commissioner is using a private email account. Mr. Sullivan stated that the county is also misinterpreting the law regarding the number of records inmates can receive.

Respondent statement:

Mr. Mangum stated the intent of the of Utah Code 63G-2-201(10) was to limit the abuse of GRAMA. He stated it was created because of Mr. Sullivan. He stated the county provided emails as limited by the statute. He stated the requests were dated the same day and no order of priority was provided.

Mr. Mangum stated that he answers the requests because he is the county attorney and he gets involved when a request is appealed. He stated the Committee has already found Mr. Sullivan can have multiple requests in one request. He stated Mr. Sullivan was abusing the system.

Mr. Mangum stated that the county did not have Google Vault for the date range of the request. He stated that there is only one Chief Administrative Officer for the county, the Commissioner, so the entire county is the governmental entity.

Mr. Mangum stated that each email is a separate record. He stated that another email is a separate record because the date and substance is different. He stated all records involving the requester are not the same record. He stated that an email thread with an ongoing discussion is a record series. He stated they provided the full email thread in the records provided.

Petitioner Closing:

Mr. Sullivan stated that the Division of Archives website request form says to limit the request to one record series, not one record. He stated the Committee previously said similar requests are one request. He stated that the request was reasonably specific. He stated the Committee is not bound to previous rulings. He stated he is entitled to the records he is the subject of.

Mr. Sullivan stated that the county is not one entity. He stated that the Clerk is the Chief Administrative Officer for the clerk's office.

Respondent Closing:

Mr. Mangum stated that if the sheriff office were to be sued, the county attorney would defend them. He stated if the clerk's office were to be sued, he would represent them too. He stated court filings are not made against the Sheriff Office, but the county.

Deliberation:

The Committee discussed the definition of a governmental entity in Utah Code 63G-103(11)(a) and (b). The Committee discussed whether a governmental entity can be determined by who the Chief Administrative Officer is.

The Committee discussed Utah Code 63G-2-201(10) in context of the request. The Committee expressed a need for more guidance from the Legislature.

Motion by Ms. Dean to interpret governmental entity under Utah Code 63G-2-103(11)(a) and (b) in conjunction with the appeals process to the Chief Administrative Officer of the entity per Utah Code 63G-2-401(1)(a). Sanpete is one governmental entity and the requests need to be made to them as one entity. Seconded by Mr. Buchanan.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler,, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

Motion by Mr. Buchanan to grant the appeal in part. Incarcerated individuals are limited to five requests per Utah Code 63G-2-201(10)(a) and (b). Four requests have been answered. All emails to and from each person's name within the date range of the request is one request. Seconded by Mr. Biehler.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler,, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

3. Azlen Marchet v. Department of Public Safety (2022-167)

Petitioner Statement

Mr. Marchet stated that he received some things in discovery but more testing was done on evidence that has not been provided so he submitted the record request. He asked the Committee to order it be provided so he has access to a fair and impartial hearing.

Respondent statement:

Mr. Jorgensen stated he represents the Bureau of Forensic Services and the Crime Lab. He stated they have the records sought, but they do not own it because it is the property of the agency that submitted the evidence.

Mr. Jorgensen stated that the record is protected under Utah Code 63G-2-305 because it is part of an investigation. He stated the record has no reference to the requester. He stated Utah Code 53-10-406 does not specify which provision under Utah Code 63G-2-305 protects the evidence, but 305(10) applies.

Mr. Jorgensen stated they referred the requester to Sandy City because they submitted the evidence so they own the record and the results. He stated they do not have any feedback on the case so they never know if an investigation is closed or not. He stated that Mr. Marchet does

not have power of attorney, a notarized release from interested parties, or a court order. He stated that there is no reference to any suspects in the record. He stated the results of the test cannot justify going against the statute and releasing the record due to public interest.

Petitioner Closing:

Mr. Marchet stated this evidence was incriminating in his trial. He stated that he needs the record to defend himself. He stated if it wasn't tested and used as evidence he still needs the record.

Question from the Committee:

Mr. Biehler asked why he is not using discovery to get the record. Mr. Marchet stated that he was not given everything in discovery so he made the record request.

Ms. Dean asked if he requested the record from Sandy City. Mr. Marchet stated that the city already said he could not have the record. Ms. Dean asked if he appealed the denial. Mr. Marchet said he didn't know he could.

Respondent Closing:

Mr. Jorgensen stated that Mr. Marchet's trial was in 2009 and the case was settled a decade ago in an appeals court decision in 2012. He stated that they asked Sandy City about providing the record. He stated the requester was advised to make the request to Sandy City.

Questions from the Committee:

Mr. Biehler asked if the rape kit was tested. Mr. Jorgensen stated it was tested in 2018 after Mr. Marchet's conviction. He stated nothing was identified.

Deliberation:

Ms. Dubovik recommended the requester resubmit the request to Sandy City.

Motion by Ms. Dubovik to deny the appeal per Utah Code 63G-2-201(3) because the records fall under another statute, Utah Code 53-10-406. Seconded by Ms. Petersen.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler,, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

The Committee sauntered until 11:15

4. Lynn David v. Wasatch County (2022-175, 2022-176, 2022-177, 2022-205)

Motion by Mr. Buchanan to allow each party 40 minutes due to the number of cases. Seconded by Ms. Petersen.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

2022-205

Petitioner Statement

Mr. David stated that illegal boulder mining was taking place in 2021 until the grading permit was approved in August 2022. He stated that residents of Brighton Estates are seeking records used by the county to justify the approval of the grading permit.

Mr. David reviewed the records that should be part of the request for a grading permit. He stated he was not provided any conditions or stipulations for the permit, but he was given the names and position titles for those in attendance at the meeting where the permit was approved. He stated that three inspections were made and there should be records of that.

Mr. David stated that the redactions made due to attorney-client privilege should be provided. He stated that he would like to know who the client is.

Questions from the Committee:

Ms. Dubovik asked if he got the record of the easement. Mr. David stated that he did. Ms. Dubovik asked if he received any of the other nine records he requested. Mr. David stated that he had not.

Respondent statement:

Ms. Thurgood stated that she represents the county and people who work with the county. She stated that a lot of records were provided. She stated that the Committee does not have jurisdiction to determine whether the permit should have been granted or not. The only issue remaining is the redactions due to attorney-client privilege under Utah Code 63G-2-305(17).

Ms. Thurgood stated that emails were provided with some redactions which the requester does not seem to be appealing. She stated that personal phone numbers and emails were redacted under Utah Code 63G-2-302(2)(d) and 63G-2-305(11). She stated that private conversations between the contractor and his employees were also redacted but county employee emails were provided. She stated that the county did a thorough search and provided all they have responsive to the request.

Questions from the Committee:

Ms. Dean asked Ms. Thurgood to walk the Committee through the search. Ms. Thurgood stated that the request was extensive. Every department that may have responsive records were asked to search. I.T. searched emails to gather any emails that could be relevant. She stated that she personally went through the emails. She stated there were a lot of responsive records using the provided search terms "permit" and "mining". She stated that she checked for what was responsive and any redactions that are needed.

Ms. Dubovik asked if there is only one record in dispute. Ms. Thurgood stated that was her understanding. Ms. Dean asked if the permit application was provided. Ms. Thurgood stated it was. Ms. Dean went over the different parts of the request to check what was provided.

2022-177

Petitioner Statement:

Mr. David stated that he asked the county attorney's office for records related to the rock mining business license. He stated the records will benefit all the residents. He explained the process a business license goes through to be approved by the county. He stated that no information was provided for the business license. He stated that he was told over the phone that the business license was approved and forwarded to the clerk's office, then to the manager's office. He stated that the Chief Administrative Officer stated that all relevant information was provided to him.

Mr. David explained the situation at the rock mine needing to collect sales tax and his contact with the county about it. He asked the Committee to require records of the business license to be issued and county sales tax collected.

Questions from the Committee:

Mr. Buchanan asked if any records he requested were provided. Mr. David stated they were not.

Respondent statement:

Ms. Thurgood stated all the responsive records that exist were provided. She stated that the record officer asked the planning department for records and they provided records. She stated Mr. David had follow up questions and requests but there were no more records to provide. She stated new staff at the Planning Department does not have the notes from previous staff. She stated that they provided everything they could find, including the permit application and easement.

Questions from the Committee:

Ms. Petersen asked if there is a record of sales tax to be collected. Ms. Thurgood stated there are no other records.

Ms. Dean asked if the complaint records were provided. Ms. Thurgood stated that everything the planning department had was provided. She stated that there was no report done for the complaints because everything was done over the phone. The complaint form filed by the requester was provided and a letter to the Planning Department from the property owner.

2022-175

Petitioner statement:

Mr. David stated that there was an incident near his home in July, before the grading permit was done. He explained what happened. Mr. David stated that his request is for the body camera footage. He stated that there should be notes from the officer that can be provided. Mr. David stated that phone recordings between the officers and employees of the mining company should also be provided.

Respondent statement:

Ms. Thurgood stated that a redacted 911 call and the initial report were provided. She stated that due to a miscommunication the footage was not provided in the initial request which was provided upon appeal to the Chief Administrative Officer. She stated that nothing else exists because conversations were not recorded.

Questions from the Committee:

Ms. Petersen asked if the body camera footage included the officer's interaction with the employees at the mine. Ms. Thurgood stated the only recorded interaction was with Mr. David.

Ms. Dubovik asked why the requester's information was redacted. Ms. Thurgood stated that it is standard practice to redact records so they are safe for any member of the public to view.

Ms. Dean asked if the record officer only looks at the footage tagged by the officer. Ms. Thurgood stated that the footage was searched by the date and time, not by what was tagged by the officer.

Ms. Dean asked Mr. David if he was disputing any of the redactions. He stated he was not.

2022-176

Petitioner statement:

Mr. David stated that this request was reasonably specific. He stated he sought information concerning all individuals asked by the county to prove they were residents. He stated the request includes procedures used by the county to determine who to contact and methods used.

Mr. David explained he gave an example of what he was looking for using his own residency as an example. He stated that the county asked him to re-prove his residency. He stated that he is seeking information concerning individuals who were asked to prove they were residents two or more times. He stated no private records were requested because real estate taxes and changes in tax valuation are public. He stated the public needs to know how the selection process works. He asked the Committee to require the county to provide the records for the public benefit.

Respondent statement:

Ms. Thurgood stated that this is no challenge to the withheld records. She stated that the request is based on a misunderstanding of the process. She stated people need to file exceptions for properties used as a private residence regardless who owns the property. She stated that it is not the individual's residence status that matters, but the property.

Ms. Thurgood stated that there is no procedure to determine individual residency. She stated applications are for tax purposes. She stated that three documents are required to prove the property is used as a primary residence. She explained the process. She stated there is no

record that can be compiled to create what he is seeking and there are no procedures responsive to the request.

Questions from the Committee:

Ms. Dean asked if there are procedures for the program. Ms. Thurgood stated that they have a form explaining how to submit the application, which was provided to the requester.

Respondent statement:

Ms. Thurgood stated that the request is extensive and they do not need to create or compile information for a request under Utah Code 63G-2-201(8).

Questions from the Committee:

Ms. Dubovik asked if there is something that annually tags owners to ask for information. Ms. Thurgood stated that the tax notice is the only notice homeowners get. Mr. Biehler asked if the property residency needs to be proven annually. Ms. Thurgood stated that only when there's a new sale, someone gets the property, the status changes, or they file an application for an exemption.

Ms. Dubovik asked if there was a database with this information. If so, a report could be generated. Ms. Thurgood stated the only related database is the tax roll. She stated properties can be searched by parcel online, but there is no list of who applied or if they were asked more than once. Ms. Dean asked if the tax roll online indicates whether the property is a primary residence. Ms. Thurgood stated that it does.

Petitioner Closing:

Mr. David stated that the county cannot prove how many people in 2016 were primary residents in 2015 or how many were asked to recertify that they were residents. He stated that he must be the only one. He stated that the public has a right to know how residents are changed to non-resident.

Respondent Closing:

Ms. Thurgood stated that the county has provided everything that exists except the attorney-client privilege correspondence.

Deliberation:

2022-205

Motion by Mr. Biehler to go in camera. Seconded by Mr. Buchanan.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

Motion by Mr. Buchanan to deny appeal 2022-205 because the records are properly classified under 63G-2-305(17). Seconded by Ms. Dubovik.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

2022-177

Motion by Ms. Dubovik to deny appeal 2022-177 per Utah Code 63G-2-201(8)(a). The respondent has performed a reasonable search and is not required to create a record. Seconded by Mr. Bieher.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

2022-175

Motion by Ms. Dubovik to deny the appeal 2022-175 per Utah Code 63G-2-201(8)(a). The respondent has performed a reasonable search and is not required to create a record. Seconded by Mr. Bieher.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

2022-176

Motion by Mr. Biehler to deny the appeal per Utah Code 63G-2-201(8)(a). The respondent has performed a reasonable search and is not required to create a record. Seconded by Mr. Buchanan.

Vote: No 0. Yea 5. Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

Mr. Williams joined the meeting.

5. Wendy Halloran (KUTV 2) v. Department of Corrections (2022-178)

Petitioner Statement

Mr. Bales stated that the parties narrowed the appeal to the drug test results and supervision notes that may reveal parole violations and responses. He stated the appeal focuses on information related to a criminal defendant, Mr. Barlow, who lost control of a car in May due to meth. The accident killed two boys. The defendant was on parole and under supervision of Corrections. Mr. Bales reviewed the drug history of the inmate. He stated the public interest in

the case is high. He stated it is important for the public to understand what was going on at Corrections at the time and whether they were engaged with a parolee.

Mr. Bales stated that the request included supervision history notes while the inmate was on parole. The records received were heavily redacted. He stated that the department relied on two exemptions. First being medical. He stated the respondent previously released the same record they are not withholding. He stated the drug test is a condition of parole and essential to know if Corrections was properly supervising Mr. Barlow at the time of the accident.

Mr. Bales stated the personal privacy protection of the supervision history notes should not apply because it is not specified in statute. He stated personal privacy was not meant to cover parole conversation. He stated that it is speculative to say releasing the record would interfere with other parolees.

Mr. Bales stated the balance test favors the public interest in this case. He stated there are questions whether Corrections takes supervision of parolees seriously. He stated the public wants to know if Mr. Barlow should not have been on parole.

Respondent statement:

Mr. Hansen stated some information from the offender history report was provided. He stated that the drug tests were done by a third party. He stated that releasing medical records is an invasion of personal privacy. He referred to the Committee's previous order #22-29.

Mr. Hansen stated that the records were also withheld under Utah Code 63G-2-305(13). He stated that there is information given to officers with the expectation of privacy. He stated the AP & P supervision model is based around building trust with the parolee so conversations are kept private.

Witness Statement:

Mr. Ercanbrack stated releasing supervision notes would have a devastating effect. He explained the officers are embedded in the lives of the parolee to see how they're responding to becoming productive citizens.

Respondent Statement:

Mr. Hansen stated that the tests provided show that Mr. Barlow was monitored. The redactions are for outside treatment. He stated one redaction on the offender report was made per Utah Code 63G-2-305(14). He stated they provided all the information they could under GRAMA. He stated there is no precedent to disclose treatment information.

Petitioner Closing:

Mr. Bales stated that Corrections was helpful as they narrowed the appeal. He stated the Committee order #22-29 doesn't apply because that was for mental health records which they are not asking for. He stated these drug tests are mandatorily provided as a condition of parole.

Mr. Bales stated they are not seeking information about Mr. Barlow's family or interpersonal relationships. He stated the records will show if Mr. Barlow violated his parole and what Corrections did in response. He stated the public interest outweighs the privacy interest. He stated a third party vendor doing the drug test dodges the disclosure requirement. He stated the results of Mr. Barlow's drug tests were public and should be consistent regardless of the provider.

Respondent Closing:

Mr. Hansen stated that releasing the record is a clearly unwarranted invasion of privacy. He stated that Corrections is clearly supervising offenders even though treatment is from outside providers. He stated all interactions with the offender and drug tests administered is enough to review the provided records.

Question from the Committee:

Ms. Dean asked if the parolee has to sign a release to get records from the third party. Mr. Ercanbrack stated they do.

Deliberation:

Motion by Ms. Dean to go into closed session to review records. Seconded by Ms. Dubovik.

Vote: No 0. Yea 6. Mr. Williams, Mr. Buchanan, Mr. Biehler, Ms. Petersen, Ms. Dean, and Ms. Dubovik voted for the motion.

Ms. Halloran explained the difference between O-track and N-track. She stated that she is not seeking mental health information but wants to know if Mr. Barlow was showing up for treatment and if he tested positive for drugs. If so, what was done because it was in violation of his parole. She stated the Committee will be looking at information from O-track.

Mr. Ercanbrack stated that only Corrections staff can enter information in N track.

Motion by Ms. Dubovik that after reviewing the records, the Committee finds the records are properly classified under Utah Code 63G-2-305(13), 63G-2-302(1)(b), and 63G-2-302(2)(d). After weighing the public interest, the Committee finds compelling public interest in the records. Under Utah Code 63G-2-403(11)(b) after reviewing the records, the Committee releases paragraph 1-4 on page 3 with any names of the provider redacted. The test date and test result shall be provided unredacted. Seconded by Ms. Petersen.

Discussion-

Nancy- unique circumstance. Tried to be thoughtful and thorough in making determination given the public interest in this particular case.

Vote: No 2. Yea 4. Mr. Williams, Mr. Buchanan, Ms. Petersen, and Ms. Dean voted for the motion. Mr. Biehler, Ms. Dubovik voting against the motion.

This is a true and correct copy of the November 17, 2022, SRC meeting minutes, which was approved on December 15, 2022. An audio recording of this meeting is available on the Utah Public Notice Website.

X /e/ Rebekkah Shaw

APPROVED