

SRC APPROVED  
Date July 12, 2012  
SLM

## State Records Committee Meeting

Division of Archives, Courtyard Meeting Room

June 15, 2012

Salt Lake City, Utah

Members Present: Lex Hemphill, Media Representative  
Scott Daniels, Citizen Representative  
Doug Misner, History Representative  
Betsy Ross, Auditor's Office Representative  
Ernest Rowley, Elected Public Official  
Patricia Smith-Mansfield, Governor's Designee  
Scott Whittaker, Private Records Manager

Legal Counsel: Paul Tonks, Attorney General's Office  
Amanda Jex, Attorney General's Office  
Ed Lombard, Attorney Generals Office

Acting Executive  
Secretary: Mindy Spring, Utah State Archives  
Participating via  
Telephone: Alan Grant

Others Attending: Matt Anderson, Attorney for Corrections, Respondent  
Larry Bussio, Corrections, Respondent  
David Bunker, Cedar Hills, Respondent  
Ken Cromar, Cedar Hills Citizens, Petitioner  
Kym Chaplin, Board of Pardons  
Rosemary Cundiff, Archives staff  
Glen Fairclough, Archives staff  
Jesse Gallegos, Board of Pardons  
Eric Todd Johnson, Cedar Hills, Respondent  
Gina Proctor, Corrections, Respondent  
Sharel Reber, AG's Office  
Natalie Tonks, AG's Office

**Ms. Betsy Ross called the meeting to order at 9:30 a.m.**

**Hearing – Alan Grant vs. Department of Corrections**

Mr. Alan Grant was reached by telephone at the Central Utah Correctional Facility. Ms. Ross explained the procedures to the parties involved in the hearings. Mr. Matthew Anderson introduced himself as the attorney representing the respondent. Deputy Warden Larry Bussio was introduced as a witness for the Department of Corrections.

**Opening statement – petitioner**

Mr. Grant said his purpose was to find some time variances for disclosure of information. He thanked the Committee for the opportunity to have the hearing.

**Opening statement – respondent**

Mr. Anderson said that GRAMA provided for records to be classified as protected if release of the record jeopardize the safety and security of a correctional facility or interfere with the control and supervision of an inmate's incarceration. Mr. Grant requested a copy or a viewing of a surveillance video that was taken of his block. Deputy Warden Bussio was available as a witness. He was present to explain the danger of releasing the surveillance video.

**Testimony – petitioner**

Mr. Grant said he wanted the timing of his entry into his cell, another inmate entering his cell, and the beating he incurred. He exited the cell after the beating holding his neck and waited on a stairway for help. He experienced what he called reckless indifference on the part of the prison officials for his health and safety. The timing of the incident was important to him to pursue. He would like the Committee to view the tape and give him the information or an independent third party to view the tape. He wanted to ensure that the facility where he was housed was safe and secure. He wanted closure by finding out how long he was unconscious in his cell and how long he waited for help.

**Testimony – respondent**

Deputy Warden Larry Bussio was sworn as a witness. Mr. Anderson questioned the deputy warden. He said he had been employed for 26 years by the Department of Corrections. He was currently assigned as deputy warden of security as the Draper, Utah facility. He supervised internal and exterior security, corridors, off property medical facilities and the transportation unit. He said the video would provide access to offenders of the location of cameras and also may reveal vulnerabilities. Surveillance provides deterrence for negative behavior and evidence for prosecution and disciplinary sanctions. Release of a video could reveal locations of monitors and provide information about parts of the prison that were not monitored. Vulnerable areas could be accessed and monitored areas circumvented for acts of violence. Evidence of the acts could go unrecorded. He said the protected classification was appropriate for the videos. Mr. Anderson said he had come across an investigative report of the incident that included the time information. A redacted version of the report or an IR-2 could be provided to Mr. Grant. The video tape had been used in the investigation against the assailant.

**Closing – petitioner**

Mr. Grant said he appreciated knowing there was an investigative report showing the time variances. He said a copy of the report would be satisfactory. He still wanted

another party or the Committee to view the video to verify the correctness of the report.

### **Closing –respondent**

Mr. Anderson said it was important that the surveillance videos remain classified as protected. Releasing the videos to the public would create safety and security concerns for the institution and interfere with the institution's ability to manage inmates. He requested that the Committee maintain the classification of the records as protected.

### **Deliberation**

Ms. Ross opened the discussion. Mr. Whittaker made a motion that the video in question was properly classified as protected and should not be disclosed. He added that the redacted investigative report could be released. Mr. Tonks said the report was not under consideration but could be added as a footnote to an order. Mr. Daniels said the only record before the Committee was the video. Mr. Hemphill offered an amended motion that pursuant to 63G-2-305(12) the document was properly classified, the Department of Correction's classification should be upheld, and the appeal should be denied. Mr. Whittaker seconded the amendment. Ms. Ross amended the motion to include that since Corrections had offered to provide a redacted investigative report, the Committee could accept the offer on behalf of the petitioner. Mr. Whittaker seconded the amendment. A vote was taken. Mr. Hemphill, Mr. Daniels, Mr. Misner, Mr. Rowley, Ms. Ross, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The motion passed unanimously. Ms. Ross said an order would be drafted and sent to the parties within seven business days. She thanked the parties for their attendance.

### **Hearing – Ken Cromar vs. City of Cedar Hills**

Ms. Ross welcomed the parties to the hearing. David Bunker introduced himself as the acting city manager of Cedar Hills. Eric Johnson, legal counsel for the city was present. Mr. Ken Cromar introduced himself as the petitioner and said he represented a group called Cedar Hills Citizens for Responsible Government. Paul Sorensen was present with the petitioner. Ms. Ross explained the procedures for the hearing.

### **Opening statement – petitioner**

Mr. Cromar thanked the Committee for the opportunity to have a hearing for the matter. He said Cedar Hills citizens had for years had suffered under an unresponsive and uninformed city administration. The city had not responded properly to GRAMA requests. They had overcharged and overestimated GRAMA costs. He said access to public records in various ways had been discouraged. An effort had been made to hide information. Two appeals of GRAMA requests were before the Committee. The appeals had been mediated by the GRAMA Ombudsman, Rosemary Cundiff. The first request had been successfully mediated and the city had complied and provided the records. In the second case, mediation was less successful. The question was whether City emails on personal accounts were actual city records. Mr. Cromar said public business on personal accounts could not be hidden. The city had gathered

thousands of documents. Mr. Cromar had already paid \$66.75 for records. Since then, the city has claimed that the cost of retrieving records from various former city council members would be over one thousand dollars. The estimated cost of \$29 per hour would include reviewing, organizing, and prepare them for public access. The citizens' group found the fee unacceptable. Knowingly withholding public records was a class B misdemeanor. Obtaining the records was the objective of the appeal.

**Opening statement – respondent**

Mr. Johnson said he would frame the issue differently. He said the city had records Mr. Cromar had requested and is ready to provide them. Mr. Cromar had declined to pay a legitimate fee for the records. Subsequent to the GRAMA request, he had asked that the records be provided with no cost. That request was still in the administrative process and was not part of the current appeal. The copy cost of 25 cents a page for more than two thousand pages would be at least \$500. The city was not denying access to the records. The retention policy for the emails was one year. The records request goes back to January 1, 2011. The request, made on March 5 of 2012, would be limited to documents from March 5, 2011. The computer specialist for the city had set up a system to forward emails automatically to council members on their personal accounts, Mr. Johnson explained. The city server did not capture a record of the forwarded emails. That has since been modified. The city manager's emails all resided on the server, so that any emails between the manager and council member was included. Council members' emails to each other were not captured on the city server. Current city council members have agreed to provide their email to the city. Three former city council members who were asked for their emails had not been totally responsive to the request. One said the emails from that time period had been destroyed. The two other council members declined to supply the emails from that period of time.

**Testimony – petitioner**

Mr. Cromar said he had not said he was unwilling to pay. He had said the city could not charge for gathering documents they should have. He had paid for all previous GRAMA requests to the city. When the release of records was in the interest of the public, a fee waiver could be requested and made. Mr. Cromar said he had refused to pre-pay for the gathering of records, not for copies of records. Mr. Cromar quoted Utah Code, saying that the governing body of each municipality was required to keep a journal of its proceeding. The books, records, accounts and documents of each municipality were to be kept at the office of the recorder, and approved copies were required to be open and available to the public during regular business hours for examination and copying. The problem was that, under the code, a governmental entity could not charge a fee for review of a record to determine if it was subject to disclosure. When a governmental entity compiled a record, the fee charged could include cost of staff time for search, retrieval and other direct administrative costs for complying with the request. He did not want to pay for retrieving records the city should already have in its possession. He had asked for electronic records which were less costly. He had learned the value of accurate records through the request process. Problems and conflicts within the City of Cedar Hills had all related to the access to

public records. Under the Utah rules of civil procedure, the city has the right to subpoena witnesses or require records to be produced as necessary to govern the municipality. There are methods that can be used to retrieve and supply the requested records. He said a litigation hold on all city records had been requested in view of holding the city responsible to refrain from destruction of any records. Mr. Cromar read from letters of support from other citizens of Cedar Hills. Ms. Smith-Mansfield asked that copies of the letters be provided the Committee.

#### **Testimony – respondent**

Mr. Johnson said the city was attempting to provide Mr. Cromar with the requested documents in an effort to be open and transparent. The municipal code Mr. Cromar quoted referred to records of formal proceedings such as official city council meetings and planning commission meetings. Those records were required to be kept in the office and available to the public. The city had said it would not charge for retrieving emails that were not available on the city server. The city had asked Mr. Cromar to pay for searching, retrieval and copying of emails available on the city server that deal with the matter requested. Mr. Cromar was sworn as a witness so that Mr. Johnson could ask him questions. Mr. Johnson asked Mr. Cromar who it was that had provided him with information about documents missing from the released documents. Mr. Cromar said he had been sworn to secrecy about the matter. He said people within the government had provided him with information and he would not divulge his source. Mr. Daniels said he still did not understand exactly what Mr. Cromar wanted from the city. Mr. Cromar said he wanted all emails from January 1, 2010 to March 5, 2011 between the mayor, the city manager and members of the city council. He said he was willing to pay for the extraction of such records according to state law. He said he would not pay for the email records if they were only provided in paper format. He said the format he had requested was electronic. Mr. Johnson said that the cost of compiling the records would exceed \$50. He said he had advised his clients to conduct city business on city accounts. Elected officials were not constrained by the same requirement. Private communications could be exchanged between them without becoming public records. It was the city's position that city business should be conducted on the city's email account. Mr. Konrad Hildebrand, the former city manager, pulled the records that were provided to Mr. Cromar. He provided two months worth of records. That cost was 60+ dollars. To provide another ten months worth of records was estimated to cost around \$300. The cost was reflective of compiling the records not copying them. Emails in the city system were kept in folders by subject matter rather than by persons to or from whom emails were sent. The account for each of the persons involved would have to be searched separately.

#### **Closing – petitioner**

Mr. Cromar thanked the Committee. The city had admitted that public communications were not kept. Some of the information missing could be used in a court case against the city. The period of January 1, 2011 to March of 2012 is the period in question. The request for a fee waiver had been made over a month ago and was in the review process. Electronic records had been requested, not paper copies.

The documents were released ninety days past the due date. UCA63G-2-201(11) says the government may not use the physical form of a record to deny or unreasonably hinder the rights of a person to inspect and receive a copy of a record. UCA 63G-2-203(5) says a governmental entity may not charge for reviewing a record to determine whether it is subject to disclosure. A fee cannot be charged for inspecting a record. Mr. Cromar said the cost of obtaining the records had been used to prevent access. The city had used delay, obfuscation, and incompleteness had been used to prevent the release of the records. Mr. Cromar said he wanted to review records free of charge before authorizing any copies. Staff time for search and retrieval was a legitimate charge; Mr. Cromar said the city was responsible for gathering the requested records and making them available. The citizens of Cedar Hills had filed a complaint against the city in district court. Access to records was a protection for citizens and for government employees. Mr. Cromar asked the Committee to help him gain access to the records he had requested.

### **Closing – respondent**

Mr. Johnson said he agreed about the value of records. He asked that the Committee not respond to the broad based and unsubstantiated allegations made by Mr. Cromar. The city had not denied Mr. Cromar a right to inspect records. The city needed payment to compile the records before they could be copied or inspected. If an agreement is made for Mr. Cromar to pay for compilation, the completeness of the records will not be in question. Mr. Johnson said he was willing to approach the council members again to retrieve records. He said he did not believe the State Records Committee had the power to compel the city to retrieve the documents.

### **Deliberation**

Ms. Ross opened the discussion. Mr. Rowley said the extent of the compilation and classification had yet to be determined. Ms. Smith-Mansfield said, pursuant to UCA 63G-2-203(8)(a), a governmental entity may require payment of past fees and future estimated fees before beginning to process a request. If an estimate was more than the actual cost, money could be refunded. This would also apply to a fee waiver. Intentional and knowing mismanagement of government records could be prosecuted. A records management program could be altered and made more transparent, but it was difficult to require the production of records that were not kept. Mr. Hemphill said the fee for obtaining the records seemed to be the issue. There was not an appeal for denial of the fee waiver before the Committee. Mr. Daniels said that an estimate of the costs should be made based on the responsibility of the governmental entity to compile the records and determine the classifications. If the records were created electronically, they should be produced for the petitioner in electronic format. City records, even on private accounts, are the city's business just as private communications may be made on city accounts. Ms. Smith-Mansfield cited UCA 63G-2-103(22)(a)(i). She said that emails can be defined as records of electronic data prepared, owned, received or retained by a governmental entity. A public record could be viewed free of charge, but the retrieval and compilation of the record could have a fee attached. Ms. Smith-Mansfield made a motion that pursuant to UCA 63G-2-203(2)(a)(i) the governmental entity may charge a reasonable fee to cover actual

costs and subject to UCA 63G-2-203(8)(a) may require payment of future estimated fees. Mr. Daniels made a motion that the petitioner's request be granted to the extent that he receive all public emails from Conrad Hildebrand and Eric Richardson to each other and to any council member using whatever email address from March 2011 to the present. The governmental entity is entitled to charge the cost of staff time for compiling, search, and retrieval of the documents and to estimate and require a prepayment of the cost. Mr. Cromar can then be given the opportunity to view the public documents free of charge and have a copy in an electronic form or in a paper copy for the actual cost of the copy. In the event a fee waiver is granted or costs are over estimated, a refund may be due. Ms. Ross seconded the motion. A vote was taken. Mr. Hemphill, Mr. Daniels, Mr. Misner, Ms. Ross, Mr. Rowley, and Ms. Smith-Mansfield voted in favor of the motion. Mr. Whittaker voted against the motion. The motion passed six to one. Ms. Ross thanked the parties and said the order would be sent within seven business days.

Paul Tonks introduced his daughter, Natalie, age 12, who was graduating from 6<sup>th</sup> grade. She was visiting for "take your daughter to work day." He said Amanda Jex had been officially hired by the Attorney General's Office.

### **Report**

Mr. Jesse Gallegos from the Board of Pardons had asked to be on the agenda to report on an issue brought up in a hearing before the State Records Committee in September of 2011. The board was then responding to the appeal of Jeffrey Gallup, an inmate of the Utah State Prison. The request had been for a letter written by a victim who was concerned about her well-being if identified. A list of the people who had attending public meetings was previously a public record. A request from offenders was treated differently than other requests. Kym Chaplin, a records officer for the board, had asked questions about which documents were available to be released. The board revised the files kept so that section one of the files contains public documents. Section two contains documents pertaining to the Department of Corrections. The internal working documents are a part of this section. The goal is to review the documents before release. Future requests from members of the public who have concerns about being identified will be decided in favor of the person requesting anonymity. Although the Labrum decision required the board to release records related to board decisions, in the future, records requests would be released to an inmate with redactions of identifying personal information. Requests of a concerned member of the public to remain anonymous would be honored. Mr. Gallup is currently on parole.

### **Approval of the minutes**

Mr. Rowley made a motion to approve the minutes of May 10, 2012. Mr. Hemphill questioned a vote that had been recorded. Mr. Rowley made a motion to approve the minutes. Mr. Hemphill seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. Mr. Daniels was not present for the vote. The motion passed unanimously.

### **Approval of retention schedules**

Mr. Glen Fairclough presented three retention schedules for the Committee's approval.

#27917, Judicial Nominating Commission nomination files, a new series, proposed retention 10 years.

# 7964, Nursing home complaints, change retention from permanent to 7 years.

# 81425, Sealed court-ordered birth certificates, retention 100 years.

A motion was made by Mr. Hemphill to approve the three retention schedules. Ms. Smith-Mansfield seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. Mr. Daniels was not present for the vote. The motion passed unanimously.

### **Nominations for Committee vacancies**

Ms. Smith-Mansfield said the nominations come from the Governor's Office. Archives can suggest names, but at this point it was unknown whether replacements for the citizen member or the private sector representative had been appointed. Mr. Whittaker said that David Fleming, records manager for Zion's Bank, had applied for the private sector representative. A nomination must be confirmed by the senate interim committee. It is not known if a private sector representative has been submitted.

### **Appeals received**

Mindy Spring reported that a list of appeals was available for review by the Committee. Mark Haik and Andrew McCullough were scheduled for July hearings. See attached document.

### **District Court proceedings**

Mr. Tonks reported on cases in District Court. See attached document.

### **Adjournment**

Mr. Rowley made a motion for adjournment. The meeting was adjourned by acclamation at 1:20 p.m.

## **STATE RECORDS COMMITTEE**

**June 15, 2012**

**State Archives Building, Courtyard Meeting Room  
346 S. Rio Grande (450 West)  
Salt Lake City**

### **AGENDA**

**Call to Order 9:30 a.m.**

**Hearing: Alan Grant vs. Utah Department of Corrections.** Mr. Grant is appealing the denial of access to a video surveillance record of an assault on him.

**Hearing: Ken Cromar vs. Cedar Hills.** Mr. Cromar is appealing the partial denial of records requested from Cedar Hills.

### **BUSINESS**

- 1. Report from Jesse Gallegos, Board of Pardons**
- 2. Approval of May 10, 2012 SRC Minutes, action item**
- 3. Retention Schedules for approval, action item**
- 4. Nominations for Committee vacancies, action item**
- 5. SRC appeals received**
- 6. Cases in District Court**
- 7. Other Business**

### **ADJOURNMENT**

Next meeting scheduled for Thursday, July 12, 2012, at 9:30 a.m.

**SRC Appeals Received  
June 2012**

1. **Kurt M. Danysh, S.A.V.E. (Stop Antidepressant Violence from Escalating) Project, vs. Unified Police Department SLC.** Mr. Danysh requested and received the complete incident report of Leonard Preston Gall's murder of his mother. Not released were crime scene photographs and certain documents mentioned in the report. Hearing scheduled for April 12, 2012, postponed and held in May. Received letter of compliance from Unified Police.
2. **Alan Grant vs. Department of Corrections.** Mr. Grant is appealing the denial of access to a video surveillance tape of an attack on him while incarcerated. Hearing scheduled for June
3. **Ken Cromar vs. City of Cedar Hills. Hearing scheduled for June.** Mr. Cromar is appealing the lack of access to public records. A mediation was held May 18, 2012. Hearing scheduled for June.
4. **Brian Maffly, Tribune vs. University of Utah. Mr.** Maffly submitted an appeal to the SRC and to the Ombudsman. He is appealing the denial of information redacted from a Materials Manufacturing Agreement from a contract the university has with a Florida manufacturing firm that has submitted a business confidentiality claim. Resolved before hearing.
5. **Mark Haik vs. Salt Lake City Corporation and the Mayor's Appeal Board.** Mr. Haik appealed the decision of the Appeals Board to let the city release redacted records of attorney employed by the city to represent Public Utilities. Hearing scheduled for July.
6. **Mark Haik vs. Salt Lake City Corporation.** Mr. Haik appealed for the partial denial of records of attorneys hired to represent the Office of the State Engineer; incomplete records of invoices; attorney employment agreements and amendments; and invoices for the services of a specific attorney mentioned in an attorney employment agreement previously released. Hearing scheduled for July.
7. **Andrew McCullough vs. Tax Commission.** Mr. McCullough appealed the denial of a "no action letter" from the Drivers License Division. He is seeking a refund of an impound fee he paid when his car, driven by another individual, was impounded. Hearing scheduled for July.

## June 2012 Records Committee Case Updates

### District Court Cases

**Utah Dept. Of Human Services v. Wilson**, 3<sup>rd</sup> District, Salt Lake County, Case No. 120903186, Judge Medley, filed May 10, 2012.

**Current Disposition:** Complaint filed by Human Services, answers filed by the Committee and Wilson. Answer filed by Wilson raised issues outside of the appeal filed by Human Services, so on June 5, 2012, Human Services filed a "Motion to Strike, or in the Alternative, for More Definite Statement."

**Gallup v. Dept. of Corrections**, 3<sup>rd</sup> District, Salt Lake County, Case No. 110918330, Judge Maughan, filed October 11, 2011.

**Current Disposition:** Case dismissed after Show Cause hearing held on May 23, 2012. Counsel for the Committee and the Department of Corrections appeared at the hearing. Since there was no appearance on behalf of Mr. Gallup, counsel requested that the case be dismissed which was granted.

**Attorney General Office. v. Schroeder**, 3<sup>rd</sup> District, Salt Lake County, Case No. 110917733, Judge Hansen, filed Sept. 21, 2011; Case No. 110917703, Judge Medley, filed Sept. 20, 2011.

**Current Disposition:** Oral argument is set for July 9, 2012, 9:00 A.M. for cross motions for summary judgment filed by the Attorney General Office and Schroeder.

**Salt Lake City v. Jordan River Restoration Network**, 3<sup>rd</sup> Judicial District, Salt Lake County, Case No. 100910873, Judge Shaughnessy, Filed June 18, 2010.

**Current Disposition:** The only pleading filed in the last six months has been a notice of new counsel appearing on behalf of Jordan River Restoration Network.

# Utah State Archives

**Parent Agency:**

**Agency:** Commission on Criminal and Juvenile Justice  
101 State Capitol  
Salt Lake City, UT 84114  
538-1031

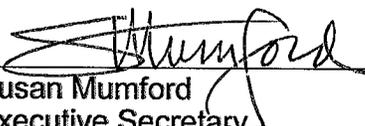
**Records Officer** Briant Smith

27917 Judicial Nominating Commission nomination files

Destroying records in accordance with this agency Retention Schedule is in compliance with the Archives and Records Service and Government Records Access and Management Act (UCA 63-2-101 et seq.).

The Agency classifies its records under provisions of the Government Records Access and Management Act (UCA 63-2-101 et seq.). Classifications have not been approved by the State Records Committee.

This agency retention schedule was approved by the State Records Committee in June 2012.

  
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Susan Mumford  
Executive Secretary  
State Records Committee

## Utah State Archives

**AGENCY:** Commission on Criminal and Juvenile Justice

**SERIES:** 27917

**TITLE:** Judicial Nominating Commission nomination files

**VARIANT** Judicial Nominating Commission nominees  
JNC nominees

**DATES:** 2010-

**ARRANGEMENT:** chronological

**ANNUAL ACCUMULATION:** 0.50 cubic feet.

**DESCRIPTION:**

Applications of candidates forwarded to the governor by a Judicial Nominating Commission make up this series. Nominees are selected from among all applicants to fill a vacant position in the judiciary after thorough review and investigation by the commission. The governor appoints one of the nominees subject to senate confirmation. These nomination files include the application forms, resumes, and financial background checks.

**RETENTION:**

Retain 10 years

**DISPOSITION:**

Destroy.

**FORMAT MANAGEMENT:**

Records in electronic format are also covered by this schedule. If a separate retention for electronic formats is not provided, follow the length of retention for the paper copy.

Paper: Retain in Office for 10 years and then destroy.

**APPRAISAL:**

Administrative

The retention corresponds to the 10-year term of office for Supreme Court justices, the longest term of office for a judge (see Utah Code 20A-12-201).

**PRIMARY CLASSIFICATION:**

Public

## Utah State Archives

**AGENCY:** Commission on Criminal and Juvenile Justice

**SERIES:** 27917

**TITLE:** Judicial Nominating Commission nomination files

(continued)

**SECONDARY CLASSIFICATION(S):**

Private

# Utah State Archives

**Parent Agency:** Health Department  
Health Systems Improvement

**Agency:** Department of Health, Bureau of Health Facility Licensing,  
Certification and Resident Assessment  
288 North 1460 West  
P.O. Box 144103  
Salt Lake City, UT 84114-4103  
538-6152

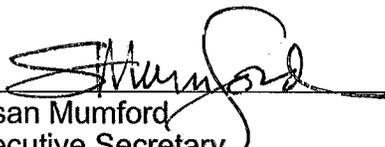
**Records Officer** Joel Hoffman

07964 Nursing home complaints

Destroying records in accordance with this agency Retention Schedule is in compliance with the Archives and Records Service and Government Records Access and Management Act (UCA 63-2-101 et seq.).

The Agency classifies its records under provisions of the Government Records Access and Management Act (UCA 63-2-101 et seq.). Classifications have not been approved by the State Records Committee.

This agency retention schedule was approved by the State Records Committee in June 2012.

  
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Susan Mumford  
Executive Secretary  
State Records Committee

## Utah State Archives

**AGENCY:** Department of Health. Bureau of Health Facility Licensing, Certification and Resident Assessment

**SERIES:** 7964

**TITLE:** Nursing home complaints

**DATES:** i 1979-

**ARRANGEMENT:** Alphabetical by name of home within date ranges

**ANNUAL ACCUMULATION:**

**DESCRIPTION:**

These case files contain complaints against nursing homes and the subsequent investigations of the allegations. Included in these records are the complaint investigation report, long-term care ombudsman's complaint intake form, statement of deficiencies, and plan of correction report.

Information included within these reports include: the date complaint was received; name, address and telephone number of complainant; complainant's relationship to resident or facility (relative, employee, etc.); name, address, and telephone number of facility; name of facility administrator; name and age of resident involved, if known; source of resident's payment; release of information authorization; type of facility involved; a description of complaint; dates of investigation and findings; provider's identification number; a summary statement of deficiencies with provider's plan of action to correct those deficiencies; and provider's signature.

**RETENTION:**

Retain 7 years

**DISPOSITION:**

Destroy.

**FORMAT MANAGEMENT:**

Records in electronic format are also covered by this schedule. If a separate retention for electronic formats is not provided, follow the length of retention for the paper copy.

Paper: Retain in Office for 1 year after investigation is closed and then transfer to State Records Center. Retain in State Records Center for 6 years and then destroy.

**APPRAISAL:**

Administrative

This retention is based on the administrative need expressed by the agency.

## Utah State Archives

**AGENCY:** Department of Health. Bureau of Health Facility Licensing, Certification and Resident Assessment

**SERIES:** 7964

**TITLE:** Nursing home complaints

(continued)

**PRIMARY CLASSIFICATION:**

Public            All other information.

**SECONDARY CLASSIFICATION(S):**

Private.            Information about the informant and resident involved.  
Controlled

# Utah State Archives

**Parent Agency:** Health Department  
Public Health Data

**Agency:** Department of Health. Office of Vital Records and Statistics

Center for Health Data  
288 North 1460 West  
Salt Lake City, UT 84114  
801-538-6743

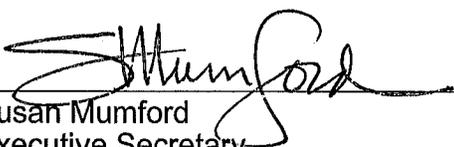
**Records Officer** Kara Verner

81425 Sealed court-ordered birth certificates

Destroying records in accordance with this agency Retention Schedule is in compliance with the Archives and Records Service and Government Records Access and Management Act (UCA 63-2-101 et seq.).

The Agency classifies its records under provisions of the Government Records Access and Management Act (UCA 63-2-101 et seq.). Classifications have not been approved by the State Records Committee.

This agency retention schedule was approved by the State Records Committee in June 2012.

  
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Susan Mumford  
Executive Secretary  
State Records Committee

## Utah State Archives

**AGENCY:** Department of Health. Office of Vital Records and Statistics

**SERIES:** 81425

**TITLE:** Sealed court-ordered birth certificates

**VARIANT:** Sealed records

**DATES:** 1984-

**ARRANGEMENT:** numerical by case number

**ANNUAL ACCUMULATION:**

**DESCRIPTION:**

This record series documents changes made to birth certificates based on court orders. These files include original birth certificate, court records authorizing the changes, Report of Adoption, court decree, report of adoption form, and new court-ordered delayed birth certificates. Information includes the adoptive parents' names, date of birth, place of birth, occupation, and address; the natural parents' names; the child's name at birth, sex, date of birth, and place of birth; the name of the attorney or agency handling the case; and the certification by the clerk of the court.

**RETENTION:**

Retain 100 years

**DISPOSITION:**

Transfer to the State Archives with authority to weed.

**FORMAT MANAGEMENT:**

Records in electronic format are also covered by this schedule. If a separate retention for electronic formats is not provided, follow the length of retention for the paper copy.

Paper: Retain in Office until administrative need ends or until microfilmed and then transfer to State Records Center. Retain in State Records Center for 100 years and then transfer to State Archives.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in State Archives permanently.

**APPRAISAL:**

Administrative

The report of adoption is required by Utah Code 26-2-25. Utah Code 78B-6-141 requires that these records are sealed for 100 years. Afterwards they become public. Adoption records have ongoing genealogical and historical value.

## Utah State Archives

**AGENCY:** Department of Health. Office of Vital Records and Statistics

**SERIES:** 81425

**TITLE:** Sealed court-ordered birth certificates

(continued)

**PRIMARY CLASSIFICATION:**

Exempt birth and adoption records are restricted for 100 years