



Welcome to the Wonderful World of GRAMA!

Government Records Access and Management Act

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&
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Utah Code Section 63G-2-204



What is a GRAMA Request?

- Request in writing
- Contains person's name, address, phone
- Description of the record requested
- Submitted to entity that prepares, owns, or retains the record

Utah Code Section 63G-2-204(1)(2)



How do I respond to a GRAMA Request?

- Respond as soon as reasonably possible, but no later than 10 business days
 - Expedited requests – 5 days
 - Extraordinary Circumstance
- Approve
- Deny
- Notify
- No response=Denial

Utah Code Section 63G-2-204(3)(8)



Defining Public Interest

Requesting information for a story or report for publication or broadcast to the general public

Utah Code Section 63G-2-204(4)

Archive Chart

GRAMA identifies eight extraordinary circumstances (Subsection (5)). If an extraordinary circumstance exists, GRAMA allows the governmental entity to delay a response and specifies additional time (Subsection (6)). The governmental entity should advise the requester when to expect a response. A “busy” office is not an extraordinary circumstance.

Another governmental entity is using the record	The governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work	63G-2-204(5)(a) 63G-2-204(6)(a)
Another governmental entity is using the record as part of an audit and returning the record would impair the audit	The originating governmental entity shall notify the requester when the record is available for inspection and copying	63G-2-204(5)(b) 63G-2-204(6)(b)
The request is for a voluminous quantity of records containing a substantial number of records or the requester seeks a substantial number of records in requests filed within five working days of each other	The governmental entity shall disclose the records that it has located which the requester is entitled to inspect and provide the requester with an estimate of the amount of time it will take to finish the work. It will complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible. If the person does not establish a right to an expedited response, the governmental entity may either require the person to provide for copying of the records or treat a request for multiple records as separate record requests, and respond sequentially to each request	63G-2-204(5)(c) 63G-2-204(6)(c)
The governmental entity is currently processing a large number of records requests		63G-2-204(5)(d) 63G-2-204(6)(c)
The request requires the governmental entity to review a large number of records to locate the records requested		63G-2-204(5)(e) 63G-2-204(6)(c)
The decision to release a record involves legal issues that require the governmental entity to seek legal counsel	The governmental entity shall approve or deny the request within five business days after the response time specified for the original request has expired [5 day extension]	63G-2-204(5)(f) 63G-2-204(5)(d)
Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing	The governmental entity shall fulfill the request within 15 business days from the date of the original request	63G-2-204(5)(g) 63G-2-204(6)(e)
Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming	The governmental entity shall complete its programming and disclose the requested records as soon as reasonably possible	63G-2-204(5)(h) 63G-2-204(6)(f)

A requester who believes that extraordinary circumstances do not exist or that the timeframe for response is unreasonable can make an appeal. (Subsection [63G-2-401\(1\)\(b\)](#)) The governmental entity must provide a notice of this right in its response to the requester.

Utah Code Section 63G-2-204(5)(6)



LET'S TALK
HOW DO YOU
PROCESS A
GRAMA REQUEST?



The Public's Right to See

- Every person has the right to inspect a public record free of charge and take a copy
- Default classification is public

Utah Code Section 63G-2-201(3)(4)

Utah Code Section 63G-2-103(21)

Utah Code 63G-2-301(2)(b)(i)(j)(k)

Utah Code 63-2-301 (3)(a)(d)(e)(i)(j)(k)(o)(q)(s)



What isn't public?

- PRIVATE

- Home Address
- Phone Number
- Social Security Number
- Benefit Eligibility

Utah Code Section 63G-2-201(3)(4)

Utah Code Section 63G-2-103(19)

Utah Code Section 63G-2-302(a)(b)(c)(g)(1)

Utah Code Section 63G-2-302(2)(a)(b)(d)



What isn't public...

- CONTROLLED
 - Health Records
 - Psychiatric/Psychological Information
 - Records covered under HIPAA

Utah Code Section 63G-2-201(3)(4)
Utah Code Section 63G-2-103(6)



What isn't public...

- PROTECTED
 - Trade Secrets
 - Property Security
 - Procurement Proceedings

Utah Code Section 63G-2-201(3)(4)
Utah Code Section 63G-2-103(20)



Access to Restricted Records (Private, Controlled, Protected)

- May be disclosed to:
 - Subject of the record
 - Parent/Legal Guardian of unemancipated minor who is the subject of the record
 - Legal Guardian of legally incapacitated individual who is the subject of the record
- Require identification of receiver
 - Utah Code Section 63G-2-201(12)
 - Utah Code Section 63G-2-202(1)(3)(4)(6)



Disclosure

- Disclosure may be subject to:
 - Court Rule
 - Other State Statute
 - Federal Statute/Regulation

Utah Code Section 63G-2-201(6)



Classification Considerations

- When can a restricted record be disclosed?
 - No interest in restricting access
 - Interests favoring access are greater than or equal to the interest favoring restriction of access
 - Determined to be mutually beneficial
 - Public Interest (safety and/or protection)

Utah Code Section 63G-2-201(6)
Utah Code Section 63G-2-306(1)(2)



You are NOT required to...

- Create a record
- Compile, format, or tailor information
- Provide in a particular format
- Duplicate prior request from same person
- Provide if record is already available publicly, you may direct them to the source.

Utah Code Section 63G-2-204(8)



Paper vs Electronic

- Provide electronic copy if...
 - You currently maintain electronically and may be provided WITHOUT reformatting or conversion
 - Electronic record doesn't disclose records that are exempt from disclosure
 - Private, protected, or controlled information may be segregated without undue expense
 - Requester states a preference for electronic copy


Utah Code Section 63G-2-201(13)



What is redaction?

- When a record contains both public AND restricted information, the governmental entity:
 - Shall allow access to public information
 - May deny access to restricted (private, protected, controlled) information and issue a notice of denial

Utah Code Section 63G-2-308



January 25, 2016

[REDACTED]
American Fork, UT 84003

Re: *Response to GRAMA Request*

Ms. [REDACTED];

My office received your request for records on January 11, 2016. The request asks for all "electronic emails, printed documents, or communications to or from Mayor Gygi or his staff that contain any of the following keywords individually or separately: Gondola, Tram, Snowbird, Switzerland, Bob Bonar, Ian Cumming, Stadler, Mountain Acord, Forest Service. The City of Cedar Hills is very willing to comply with your request, and will do so within the guidelines and requirements of the Government Records Access Management Act found in Title 63G, Chapter 2 of the Utah Code (the "Act"). The Act provides that you, as the requestor, should shoulder the cost of gathering, sorting, and compiling the requested records and that where the estimated cost exceeds \$50, that you must pay the estimated cost before the City begins to gather said records.

The City estimates that gathering, sorting or compiling the requested records will take at least 3 hours, and its cost will be at least \$105. As set forth in the Act, before the City will begin to compile records responsive to your request, you must pay the estimated cost. If the actual cost of compiling responsive records is less than \$105, then any excess will be returned to you. If the actual cost of compiling responsive records is more than \$105, then the City will work to compile \$105 worth of responsive records. If you desire the City to do further work and authorize payment beyond \$105, the City will continue to gather responsive records.

We also anticipate your request will require the City "to review a large number a documents to locate the records requested." Accordingly, due to this extraordinary circumstance, the City will need an extension of time to comply with your request, specifically as set forth in Utah Code Ann. 63G-2-204(6)(c). The City will require an extension of time to prepare the records after the estimated fee has been paid. The City anticipates an additional two weeks to deliver all responsive documents.

Any person aggrieved by a governmental entity's access determination may appeal the determination within 30 days to the chief administrative officer of the governmental entity by filing a notice of appeal. The City's current chief administrative officer is Mr. David Bunker, the City Manager/Engineer. The notice of appeal shall contain the following information: the petitioner's name, mailing address, and daytime telephone number; and the relief sought, and the petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.

Regards,

Colleen A. Mulvey
City of Cedar Hills
City Recorder

SAMPLE RESPONSE

Cost exceeds \$50

Extraordinary
Circumstances

Appeal Process

SAMPLE REDACTION LOG

GRAMA REQUEST - JULY 31, 2017

Rob Crawley - May 4 - June 4, 2017		PRIVILEGE CLAIMED			
DATE	DESCRIPTION	Protected Records UCA 63G-2-305	Private contact info UCA 63G-2-302	Imminent/pending litigation UCA 63G-2-305	Other - Specify
Friday, June 02, 2017 12:40 PM	RE: harvey land	x			
Friday, June 02, 2017 12:38 PM	RE: harvey land	x			
Friday, June 02, 2017 11:07 AM	RE: harvey land	x			
Friday, June 02, 2017 9:34 PM	RE: Carnival		x		
Friday, June 02, 2017 11:33 PM	RE: Carnival		x		
Monday, May 22, 2017 10:19 AM	RE: Family festival		x		
Friday, May 19, 2017 11:25 AM	Re: FW: Seller Disclosures	x			
Friday, May 19, 2017 10:47 AM	Re: FW: Seller Disclosures	x			
Friday, May 19, 2017 10:48 AM	Re: FW: Seller Disclosures	x			
Sunday, May 14, 2017 7:55 PM	RE: agenda		x		
Saturday, May 13, 2017 10:43 PM	RE: agenda		x		
Saturday, May 13, 2017 8:42 AM	RE: FF		x		
Wednesday, May 10, 2017 9:40 AM	RE: Sale of City Property	x			
Wednesday, May 10, 2017 9:37 AM	RE: Sale of City Property	x			
Tuesday, May 09, 2017 10:02 AM	RE: Sale of City Property	x			
Monday, May 08, 2017 6:15 PM	FF		x		
Saturday, May 06, 2017 4:51 PM	Agenda item		x		
Thursday, May 04, 2017 9:48 AM	RE: From Reed	x			
Thursday, May 04, 2017 9:12 AM	RE: From Reed	x			
Thursday, May 04, 2017 7:49 AM	RE: From Reed	x			
Thursday, May 04, 2017 6:42 AM	RE: From Reed	x			
Thursday, May 04, 2017 6:34 AM	RE: From Reed	x			



LET'S TALK

Making Classifications

Methods of Redaction

Increase accessibility

Manage Requests

SAMPLE GRAMA LOG

GRAMA REQUEST LOG beginning with open requests from January 2011 to present

Date Received	Name	Documents/Records Requested (brief description)	Date Due	Status	Date Completed	Fees	Comments	Time Spent
3/14/2018	Bryant Tsitner	House plans and permit file for 9493 N 3940 W	3/28/2018	Completed	3/14/2018	\$0.00	Inspected records in office	5 min
3/12/2018	Troy Diederich	House plans for 8971 N Cottage Canyon Drive	3/26/2018	Completed	3/12/2018	\$0.00	Inspected records in office	5 min
3/8/2018	Trent DeGroot	Certificate of Occupancy for 9604 Canyon Hieghts Drive	3/22/2018	Completed	3/8/2018	\$0.00	Provided copy of C of O	10 min
3/7/2018	Donald Dolene	House plans & permit file for 9688 Charleston Drive	3/21/2018	Completed	3/7/2018	\$0.00	Inspected records in office	5 min
3/7/2018	Lyle Nielsen	House plans & permit file for 10318 Avondale Drive	3/21/2018	Completed	3/7/2018	\$0.00	Inspected records in office	5 min
2/27/2018	Katie Rodgers	Geo tech reports for Lakeshore Trails Subdivision	2/27/2018	Completed	2/27/2018	\$0.00	Emailed copies of reports	10 min
2/26/2018	Sarah Grill	House plans for 9583 N Canyon Heights Drive	3/12/2018	Completed	2/27/2018	\$0.00	Inspected records in office	5 min
2/22/2018	Stacey Volden	List and contact info for businesses in CH	3/8/2018	Completed	2/27/2018	\$0.00	Provided copy of list	15 min
2/21/2018	Robert McClellan	House plans for 4058 Sawgrass	3/7/2018	Completed	2/21/2018	\$0.00	Inspected records in office	5 min
2/16/2018	Ken Cromar	Copy of the city's index list of GRAMA requests	3/5/2018	Completed	2/22/2018	\$0.00	Provided copy of list	15 min

*Time Spent is the time for retrieving and/or copying/emailing the record(s) to recipient - not for time spent scanning and/or filing GRAMA request