

## **SALT LAKE COUNTY ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_, 2017**

**AN ORDINANCE AMENDING CHAPTER 2.82, ENTITLED RECORDS MANAGEMENT, BY REPEALING SECTION 2.82.100 (A)(10)-(14); AMENDING SECTION 2.82.100(A)(3) AND 2.82.100 (A)(8) TO UPDATE DEADLINES FOR APPEALING A GRAMA DECISION AND FOR THE CHIEF ADMINISTRATIVE OFFICER OF APPEALS (CAOA) TO ISSUE A DECISION; AND AMENDING 2.82.100(A)(9) TO DESIGNATE APPEAL OPTIONS FOLLOWING A DECISION BY THE CAO.**

The Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 2.82.100 of the Salt Lake County Code of Ordinances, 2017, is amended to read as follows:

### **Chapter 2.82 – RECORDS MANAGEMENT**

#### **2.82.100 – Appeals**

- A. 1. Persons aggrieved by the county's classification of a record, the fees charged for a record, or by an agency's response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with countywide policies and procedures adopted by the council. The initial administrative appeal is made to the agency designee pursuant to countywide policies and procedures adopted by council.

2. A written notice of appeal shall be filed with the agency designee within thirty calendar days after notice of the date of the agency's action has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.
3. Unless otherwise stipulated by the county and the persons aggrieved, the agency designee shall have ~~seven-ten businesssealendar~~ days after the agency designee's receipt of the notice of appeal (or ~~twelve fourteen ealendar-business~~ days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.
4. Agency designee shall hear appeal in process chosen within designee's discretion and issue decision in writing to appellant.
5. In the event the agency designee affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the agency designee's decision to affirm the access denial.
6. The administrative appeal is made to the chief administrative officer for appeals ("CAOA") pursuant to countywide policies and procedures adopted by the council.
7. A written notice of appeal shall be filed with the CAO A within thirty calendar days after notice of the date of the agency's action has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.
8. Unless otherwise stipulated by the county and the persons aggrieved, the CAO A shall have ~~fiyeten business seven-ealendar~~ days after the CAO A's receipt of the notice of appeal (or ~~twelve business fourteen-ealendar~~ days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.
9. In the event the CAO A affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the CAO A's decision to affirm the access denial to the state records committee or by filing a petition for judicial review with the district court..
- ~~10. The county hereby establishes an appeals board to decide an appeal of a decision of the CAO A affirming an access denial.~~
  - ~~a. An appeals board shall be composed of three members:~~
    - ~~(1) one of whom shall be an employee of the county; and~~
    - ~~(2) two of whom shall be members of the public, at least one of whom shall have professional experience with requesting or managing records.~~
- ~~11. The county shall send written notice by certified mail of the date and location of the appeal hearing to be heard by the appeals board to the requester within seven ealendar days of receiving notice of the appeal. The county shall also send written notice to the agency administrator.~~
- ~~12. The appeal hearing shall be conducted in accordance with policies adopted by the council and with the Utah Open Meetings Act.~~

~~13. No later than seven calendar days after an appeal hearing, the appeals board shall issue a signed order upholding, amending, or reversing the agency action.~~

~~14. Either the county or the appellant may appeal the appeals board decision to the state records committee or by filing a petition for judicial review with the district court.~~

B. The decision of CAO A regarding access to or classification of records shall be forwarded to the county records policy administration for corrective action, including any reclassification or designation of data or records that may be necessitated by the decision.

C. The duties of the CAO A may be delegated.

(Ord. 1625 § 2, 2008: Ord. 1473 (part), 2001: Ord. 1190 § 1 (part), 1992; Ord. No. 1791, § III, 11-24-15)

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

/s/ Dianne R. Orcutt  
DIANNE R. ORCUTT  
Deputy District Attorney  
Dated: 10/26/2017

## ORDINANCE HISTORY

Councilman Bradley	_____
Councilman Bradshaw	_____
Councilman Burdick	_____
Councilman Debry	_____
Councilman Granato	_____
Councilman Jensen	_____
Councilman Snelgrove	_____
Councilman Newton	_____
Councilman Wilson	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes\_\_\_ No \_\_\_ Date \_\_\_\_\_

Ordinance published in newspaper: Date: \_\_\_\_\_


Effective date of ordinance: \_\_\_\_\_

**Mayor's Office: Council Agenda Item Request Form**  
*This form and supporting documents (if applicable) are due the Wednesday  
before the COW meeting by noon.*

<b>Date Received</b> (office use)	
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<b>Date of Request</b>	10/24/2017
<b>Requesting Staff Member</b>	Maren Slaugh, Director of Records Management and Archives
<b>Requested Council Date</b>	10/31/2017
<b>Topic/Discussion Title</b>	Approval to GRAMA Policies (updated)
<b>Description</b>	Updating County Policies:  2000: GRAMA Records Management Policy & Procedure Definitions 2030: GRAMA Access To Records 2040: GRAMA Appeals Procedure 2050: GRAMA Guidelines Regarding Public And Non-Public Records And Personal Privacy 2070: GRAMA Records Retention Scheduling Process 2110: GRAMA Disposal Of Records 2120: GRAMA Administration (GRAMPA)
<b>Requested Action<sup>1</sup></b>	Adopt amended/updated policies
<b>Presenter(s)</b>	Maren Slaugh, Director of Records Management and Archives Dianne Orcutt, Deputy District Attorney
<b>Time Needed<sup>2</sup></b>	<10
<b>Time Sensitive<sup>3</sup></b>	No
<b>Specific Time(s)<sup>4</sup></b>	No
Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	

**Mayor or Designee approval:**



<sup>1</sup> What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

<sup>2</sup> Assumed to be 10 minutes unless otherwise specified.

<sup>3</sup> Urgency that the topic to scheduled on the requested date.

<sup>4</sup> If important to schedule at a specific time, list a few preferred times.

SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
**GRAMA APPEALS PROCEDURE**

**Reference --**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections 63G-2-401 through 407 & 701

Records Management, Salt Lake County Ordinance, Section 2.82.100

**Purpose --**

The appeals process provides members of the public with a process for petitioning Salt Lake County to reconsider records request issues.

**1.0 Types of Appeals**

Members of the public may appeal a decision made by the County concerning:

- 1.1 records classifications
- 1.2 fees charged for records
- 1.3 an agency's response to a records request

**2.0 Appeals**

- 2.1 Agency Designee
  - 2.1.1 County agencies shall attempt to resolve public complaints concerning records requests informally and at the lowest possible administrative level.
  - 2.1.2 If a requestor is aggrieved by the county's classification of a record, the fees charged for a record, or by an agency's response to a record request, the requestor may request and be granted an initial administrative appeal of that grievance, in accordance with countywide policies and procedures adopted by the council. The initial administrative appeal is made to the agency designee pursuant to countywide policies and procedures adopted by council.
  - 2.1.3 The agency designee shall have ten business days after the agency designee's receipt of the notice of appeal (or twelve business days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request. Designee shall provide a written decision to the appellant.

- 2.1.4 If a requestor and a County agency designee cannot resolve a complaint at the agency level, the requestor may submit a written notice of appeal to the Chief Administrative Officer for Appeals (“CAOA”). The notice of appeal shall state the basis of the appeal and the relief requested. The requestor shall file the notice of appeal within thirty (30) days of receiving an adverse decision from a County agency.
- 2.1.5 A notice of appeal is considered filed when it is received and date-stamped at the County office of the CAO A designated to respond to the specific records request, located at 2001 South State Street, N3200, Salt Lake City, Utah 84190. No notices of appeal sent by facsimile, e-mail, or any other electronic submission will be accepted.

## 2.2 Chief Administrative Officer of Appeals

- 2.2.1 Upon receiving an appeal notice of an agency decision, the CAO A shall have ten (10) business days after the CAO A’s receipt of the notice of appeal (or twelve (12) business days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.
- 2.2.2 The county shall send written notice of the CAO A’s decision to all participants.
- 2.2.3 In the event the CAO A affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the CAO A’s decision.

## 2.3 Appeal of the Chief Administrative Officer of Appeals’ Decision

- 2.3.1 Either party may appeal the decision of the CAO A to the state records committee or by filing a petition for judicial review with the district court.
- 2.3.2 A party who appeals the CAO A decision to the records committee does not lose or waive the right to seek judicial review of the decision of the records committee.

APPROVED and PASSED this day of .

SALT LAKE COUNTY COUNCIL:

By \_\_\_\_\_

Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

Approved as to form and legality:

\_\_\_\_\_  
Deputy District Attorney

Date: \_\_\_\_\_



SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
**GRAMA ACCESS TO RECORDS**

**Reference—**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Subsections 63G-2-201, 202, 204, 205 & 206

Records Management, Salt Lake County Ordinance Sections 2.82.010,020 & 080

**Purpose—**

The purpose of this policy is to specify how persons access County records that have been classified PUBLIC, PRIVATE, CONTROLLED, OR PROTECTED. Salt Lake County strongly supports the rights of persons to access public records. The physical form of a record shall not be used to deny or unreasonably hinder the rights of persons to inspect and receive copies of records.

**1.0 Access to Records**

- 1.1** Every person has the right to inspect a public record free of charge and obtain a copy of a public record during normal working hours, subject to Countywide Records Policy and Procedure 2060, Fees for Duplication of Records.
- 1.2** All county agencies, departments and divisions shall provide access to public records during the normal working hours of each agency.
- 1.3** When an agency receives a records request for records that are retained by multiple county agencies, a copy of the request must be forwarded to each affected agency. Each agency is then responsible to respond for those records which they maintain. If a request has been submitted to an agency that does not retain the records it must be forwarded to the correct agency by the end of the next business day after the receipt of the request.

**2.0 Records Classifications – General Definitions**

State law and County ordinance divide governmental records into four main classifications: PUBLIC, PRIVATE, CONTROLLED and PROTECTED. In addition, some materials may be considered NON-RECORDS and other materials may be considered EXEMPT from GRAMA. The following definitions provide a general reference guideline. Each classification is explained in detail in Countywide Policy 2090.

- 2.1 PUBLIC RECORDS** – all records are considered public unless specifically provided otherwise. The law provides that there are two types of public records; those which are always treated as open and available to the public or, those which are usually classified as available to the public, but which may be classified as non-public under limited circumstances.

- 2.2 **PRIVATE RECORDS** – records regarding a person's personal circumstances that may be classified as private and unavailable for disclosure; including records of benefits eligibility, medical records, and personal financial records. Private records are also divided into two types: those that are always classified as private, and those that are usually classified as private.
- 2.3 **CONTROLLED RECORDS** -- Records that generally relate to medical or mental health records, the release of which would likely be detrimental to the subject of the record.
- 2.4 **PROTECTED RECORDS** -- Protected records generally deal with those matters where release of the information may be harmful to government function and working processes; including materials dealing with confidential commercial information, purchasing strategies, investigations and audits, public safety, attorney-client relationships, the minutes of closed meetings, and similar information.
- 2.5 **NON-RECORDS** -- Under GRAMA, some written, computerized, or other types of materials are not considered records and thus need not be designated, classified, and scheduled for retention or released to the public. Non-records include materials privately owned by an employee prepared for personal use, drafts, and materials protected by copyright.
- 2.6 **EXEMPT RECORDS** — Some records are not considered subject to the Act and are referred to as exempt. Exempt records are materials to which access is governed by court order, statute, or federal regulation.

### 3.0 Requests for PUBLIC Records

Requests for PUBLIC records that can be completed by the agency and made available as part of the normal course of business need not be documented as a GRAMA request. Requests for PUBLIC records that are extensive in scope, require additional labor to fulfill, or meet internal agency criteria as a GRAMA request, may be documented and fulfilled under the guidelines in Section 4.0.

### 4.0 Requests for NON-PUBLIC Records

- 4.1 A person making a records request under GRAMA shall provide the county agency with the following information: requester's name, mailing address, daytime telephone number if available, and a specific description of the requested records.
  - 4.1.1 Agencies receiving requests for records that are retained by another county agency must forward the request to that agency for response by the end of the next business day after the receipt of the request.
- 4.2 **Requests Received Other than in Person** – Agencies may accept requests and provide access to a record under GRAMA by telephone, fax, e-mail, or other forms of electronic communication provided they are able to verify the identity of the requester and the requester is entitled to the record. (See 5.0 for guidelines on accessing PRIVATE, CONTROLLED, or PROTECTED records).
- 4.3 **Exclusions and Considerations** – all requests under GRAMA are subject to the following:
  - 4.3.1 Copies of requested records may be withheld until appropriate fees are paid.
  - 4.3.2 County agencies are not required to create a record in response to a request.

- 4.3.3 An agency shall provide a record in a particular format if: the agency is able to do so without unreasonable interference to its normal duties, and the requester agrees to pay additional costs incurred in its development. (See Countywide Records Policy and Procedure 2060, Fees for Duplication of Records.)
- 4.3.4 Nothing in this section requires a county agency to process a record request if the request unreasonably duplicates prior requests from that same person.
- 4.3.5 If a person requests copies of more than 50 pages of PUBLIC records from a county agency, the agency may, at the discretion of the agency administrator or designee:
  - 4.3.5.1 provide the requester with facilities for copying the requested records and require that the requester make the copies if it involves only a paper to paper format) or
  - 4.3.5.2 allow the requester to provide copying equipment provided that such equipment does not damage the documents and personnel to make the copies at the agency's office and waive agency fees for copying records.
- 4.3.6 Nothing in this section requires an agency to provide information from more than one record in the form of a list or similar compiled record; an agency may refuse to provide the information in a list or similar compiled record if:
  - 4.3.6.1 the agency administrator determines that providing the list or similar compiled record would constitute a clearly unwarranted invasion of personal privacy.
- 4.3.7 Agencies shall provide access to an electronic copy of a record in lieu of providing access to it in paper if:
  - 4.3.7.1 the person making the request requests or states a preference for an electronic copy,
  - 4.3.7.2 the governmental entity currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and
  - 4.3.7.3 the electronic copy of the record does not disclose other records that are exempt from disclosure; or may be segregated to protect private, protected, or controlled information from disclosure without the undue expenditure of public resources or funds.

## **5.0 Access to PRIVATE, CONTROLLED or PROTECTED Records**

**5.1** In general, access to these records is governed by Utah Code, Title 63G, Chapter 2.

- 5.1.1 State law, County ordinance, agency records policies and guidelines permit disclosure of records which have been classified as PRIVATE, CONTROLLED or PROTECTED under circumstances in which the public interest in disclosure of the record outweighs the interest favoring restriction of access. The decision to release these records under such circumstances should be made by the department director, division director, elected official, or their designee. For PRIVATE records refer to Countywide Records Policy and Procedure 2050, Guidelines Regarding Personal Privacy.

- 5.2** Upon request, and after completing the classification process, a county agency shall disclose a PRIVATE record to:
  - 5.2.1 the subject of the record;
  - 5.2.2 a parent or legal guardian of an unemancipated minor who is the subject of record;
  - 5.2.3 the legal guardian of a legally incapacitated person who is the subject of the record;
  - 5.2.4 a person who has a valid power of attorney, in accordance with state law, from the subject of the record;
  - 5.2.5 a person who submits a notarized release from the subject of the record or subject's legal representative, dated no more than 90 days prior to record request date, or as otherwise provided for in state statute; or
  - 5.2.6 a person to whom the record must be released pursuant to a court order as provided in GRAMA, Section 63G-2-202 (7) or a legislative subpoena as provided in UCA, Chapter 14, Title 36.
- 5.3** Upon request and after completing the classification process, a county agency shall disclose a CONTROLLED record to:
  - 5.3.1 a physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than 90 days prior to the record request date and a signed acknowledgment of the terms of disclosure of controlled information as provided below; and
  - 5.3.2 any person to whom the record must be disclosed pursuant to a court order as provided in GRAMA, Section 63G-2-202 (7) or a legislative subpoena as provided in UCA, Chapter 14, Title 36.
- 5.4** A person who receives a record from a county agency in accordance with this policy may not disclose CONTROLLED information from that record to any other person, including the subject of the record.
- 5.5** If there is more than one subject of a PRIVATE or CONTROLLED record, the portion of the record pertaining to another subject shall be segregated from the portion the requester is entitled to inspect prior to releasing the record.
- 5.6** Upon request, and after completing the classification process, a county agency shall disclose a PROTECTED record to:
  - 5.6.1 the person who submitted the record;
  - 5.6.2 a person having a power of attorney from all persons, governmental entities or political subdivisions whose interests were intended to be safeguarded by the PROTECTED classification;
  - 5.6.3 a person submitting a notarized release from all persons, governmental entities or political subdivisions whose interests were intended to be protected or from their legal representatives, dated no more than 90 days prior to the record request date; or

5.6.4 a person to whom the record must be released pursuant to a court order as provided in GRAMA, Section 63G-2-202 (7) or a legislative subpoena as provided in UCA, Chapter 14, Title 36.

## **6.0 Identification**

- 6.1** Before releasing a PRIVATE, CONTROLLED or PROTECTED record, the county agency shall obtain evidence of the requester's identity.
- 6.2** Evidence of identification may include, but not be limited to: a Utah Driver's license or Utah state issued identification, a valid non-Utah motor vehicle license, a valid picture identification.

## **7.0 Access to PRIVATE, CONTROLLED or PROTECTED Records by Court Order**

- 7.1** County agencies receiving court orders, including subpoenas to release non-public records, may consult, if necessary, with the District Attorney's Office before releasing the records, unless otherwise provided by agency policy. (See GRAMA, Section 63G-2-201.)
- 7.2** Records released as a result of a court order are not automatically reclassified as PUBLIC records and remain classified as PRIVATE, CONTROLLED or PROTECTED. Access to PRIVATE, CONTROLLED or PROTECTED records pursuant to the specific provisions of the court order shall be subject to the same restraints, procedures and fees as other county records.

## **8.0 Access to PRIVATE OR CONTROLLED RECORDS for Research Purposes**

- 8.1** A county agency may disclose or authorize disclosure of PRIVATE or CONTROLLED records for research purposes. Such action must be approved in writing by the administrator of the county agency. Disclosure may occur, if the agency:
  - 8.1.1** determines the research purpose cannot reasonably be accomplished without use or disclosure of information in personally identifiable form;
  - 8.1.2** determines the proposed research is bona fide and the value of the research outweighs the infringement upon personal privacy;
  - 8.1.3** requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the personal identifiers associated with the records as soon as the purpose of the research project has been accomplished;
  - 8.1.4** prohibits the researcher from disclosing the record in personally identifiable form, except as provided below, or from using the record for purposes other than the research approved by the agency; and
  - 8.1.5** secures from the researcher a written statement of understanding and agreement to the conditions of this section, and an acknowledgement that violation of the terms of this section may result in criminal prosecution under GRAMA, Section 63G-2-801.
- 8.2** A researcher may disclose a record in personally identifiable format for audit or program evaluation purposes only. No subsequent use or disclosure of the record in personally identifiable format will be made by the auditor or evaluator except as provided by this section.

- 8.3** Salt Lake County may require indemnification as a condition of permitting research under this subsection.

**9.0 Access to Records Under Copyright Protection**

- 9.1** Records (regardless of format) that are copyright protected by Salt Lake County must be available for free inspection during normal business hours.
- 9.2** Duplication of all or part of copyright protected public records is governed by federal statute (US Code, Title 17).
- 9.3** Fees for licensing or duplicating copyright protected records are established by Salt Lake County and must be paid before records can be duplicated or used. (See Countywide Records Policy and Procedure 2060, Fees for Duplication of Records.)
- 9.4** A governmental entity that owns an intellectual property right and that offers the intellectual property right for sale or license may control by ordinance or policy the duplication and distribution of the material based on terms the governmental entity considers to be in the public interest. (See UCA 63G-2-201(10)(a))

**10 Sharing Records -- PRIVATE, CONTROLLED, or PROTECTED**

- 10.1** An agency may provide PRIVATE, CONTROLLED or PROTECTED records to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:
- 10.1.1** serves as a repository or archives for purposes of historical preservation, administrative maintenance or destruction;
  - 10.1.2** enforces, litigates or investigates civil, criminal or administrative law and records are necessary for a proceeding or an investigation;
  - 10.1.3** is authorized by state statute to conduct an audit and records are needed; or
  - 10.1.4** collects information for pre-sentence, probationary or parole purposes.
- 10.2** An agency may provide PRIVATE, CONTROLLED or PROTECTED records to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance~~—that~~:
- 10.2.1** the records are necessary for the performance of the requester's functions;
  - 10.2.2** the records will be used for a purpose similar to the purpose for which the information in the records was collected or obtained;
  - 10.2.3** the use of the records produces a public benefit that outweighs the person's privacy right protecting the records, and
- 10.3** An agency may provide records that are PROTECTED under Countywide Records Policy and Procedure 2090 (Subsection 8.1 or 8.2) to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if:
- 10.3.1** the records are necessary for performance of the requester's duties and functions;

- 10.3.2 the records will be used for a purpose similar to the purpose for which the information in the records was collected or obtained.
- 10.4 An agency shall provide a PRIVATE, CONTROLLED or PROTECTED record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:
  - 10.4.1 is entitled by law to inspect the record; or
  - 10.4.2 is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds.

#### **11.0 Sharing Records – Special Provisions/Conditions**

- 11.1 Before disclosing records under this section to another governmental entity, another state, the United States, or a foreign government, the originating agency shall inform the requester of the record's classification and the restrictions on access.
- 11.2 If the requester is not a governmental entity to which this chapter applies, the originating agency shall obtain the recipient's written agreement by mechanical or electronic transmission that it will abide by all applicable access restrictions unless another statute, federal regulation or interstate agreement otherwise governs the sharing of the records. Access to and use of records will be in accordance to the terms and conditions established in the contract.
- 11.3 An agency may disclose a record to another state, the United States or a foreign government for reasons listed in Subsections without complying with the procedures above, if disclosure is authorized by executive agreement, treaty, federal statute, compact, federal regulation, or state statute.
- 11.4 An agency receiving a record under this section is subject to the same restrictions on disclosure of the material as the originating entity.
- 11.5 Notwithstanding any other provision of this section, if a more specific court rule or order, state statute, federal statute, or federal regulation prohibits or requires sharing information, that rule, order, statute or federal regulation controls disclosure.
- 11.6 Records of publicly funded libraries, as described in Countywide Records Policy and Procedure 2090, Subsection 6.1.3, may not be shared under this Section.
- 11.7 Records that may evidence or relate to a violation of law may be disclosed to a government prosecutor, peace officer, or auditor.

#### **12.0 Denial of Requests for Records**

- 12.1 If a county agency denies a request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's provided address.
- 12.2 The notice of denial shall contain the following information:
  - 12.2.1 a description of the record or portions of the record to which access was denied (unless the description would disclose records which are not public);

12.2.2 citations to the provisions of county ordinance, Utah Code, court rule or order, state statute, federal statute or federal regulation that exempt the record or portions of the record from disclosure;

12.2.3 a statement that the requester has the right to appeal the denial to the Agency Designee, whose name and business address shall also be provided to the requester.

**Comment [D01]:** I thought this appeal went to the CAO?

**12.3** Appeals must be in writing and filed within 30 calendar days after the date of the agency's action. Appeal procedures, explained in Countywide Records Policy and Procedure 2040, shall be made available to the requester.

**12.4** Unless otherwise required by a court or agency of competent jurisdiction, a county agency may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

**12.5** If an agency denies a record request because it does not maintain the record, agency staff must forward a copy of the request to each affected agency by the end of the next business day after the agency has determined it does not have the record. Each agency is then responsible to respond for those records which they maintain. If a request has been submitted to an agency that does not retain the records it must be forwarded to the correct agency by the end of the next business day after the receipt of the request.

### **13.0 Timeliness of County Response to Record Requests**

**13.1** Agencies must respond to most written requests within ten (10) business days of receipt of the request.

**13.2** For requests seeking an expedited response, agencies must review each request and notify within five (5) business days the requestor who has not demonstrated that their request benefits the public rather than a person.

Examples of such requests could include:

13.2.1 requests from the media;

13.2.2 requests from citizens groups, community councils; and

13.2.3 requests for public hearings, meetings, administrative procedures, etc.

**13.3** Under certain extraordinary circumstances, an agency may have additional time to process a record request. These circumstances may include:

13.3.1 another governmental entity is using the record, in which case, the originating agency shall promptly request that the governmental entity currently in possession return the record;

13.3.2 another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit;

13.3.3 the request is for a voluminous quantity of records;

13.3.4 the governmental entity is currently processing a large number of record requests or has a high seasonal workload;



- 13.3.5 the request requires the governmental entity to review a large number of records to locate the requested record;
- 13.3.6 the decision to release a record involves legal issues that require the county to seek legal counsel for the analysis of statutes, rules, ordinances, regulations or case law;
- 13.3.7 segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
- 13.3.8 segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.

**13.4** Extraordinary circumstances are subject to the following limitations:

- 13.4.1 For claims under Subsection 13.3.1, the record shall be returned to the originating entity within five (5) business days, unless returning the record would impair the holder's work.
- 13.4.2 For claims under Subsection 13.3.2, the originating agency shall notify the requester when the record would be available for inspection and copying.
- 13.4.3 For claims under Subsections 13.3.3, 13.3.4, and 13.3.5, the agency shall:
  - 13.4.3.1 disclose the records it has located which the requester is entitled to inspect;
  - 13.4.3.2 provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request; and
  - 13.4.3.3 complete the work and disclose the records the requester is entitled to inspect as soon as reasonably possible.
- 13.4.4 For claims under Subsection 13.3.6, the county agency shall either approve or deny the request within five (5) business days after the date of the original request.
- 13.4.5 For claims under Subsection 13.3.7, the county agency shall fulfill the request within fifteen (15) business days after the date of the original request.
- 13.4.6 For claims under Subsection 13.3.8, the county agency shall complete its programming and disclose the requested records as soon as reasonably possible.

**13.5** If the governmental entity fails to provide the requested records or issue a denial within the specified time period, that failure is considered equivalent to denying access to the records.

**14.0 Prohibited Actions – Penalties**

County employees may be subject to disciplinary action and criminal prosecution for either improperly providing access or failing to provide proper access to records under the provisions of state law, county ordinance and these policies. (See GRAMA, Utah Code 63G-2-801 and County Ordinance - Records Management, Section 2.82.130.)

**15.0 Forms**

Agencies may use forms for processing GRAMA records requests created by Records Management & Archives which are available on their website or by request. The following forms are available for use: GRAMA Request Form, Third Party Release Form, GRAMA Notice of Records Request Denial and Denial Letter Template. Agencies that wish to use their own forms must have them reviewed by Records Management & Archives prior to use.

**16.0 Classification of Records Requests**

All written records requests shall be classified as PUBLIC records according to established retention guidelines.

APPROVED and PASSED this day of

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
SHERRIE SWENSEN, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
District Attorney's Office      Date

SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
**GRAMA GUIDELINES REGARDING PUBLIC AND NON-PUBLIC RECORDS AND  
PERSONAL PRIVACY**

**Reference --**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections [63G-2-103](#) & [63G-2-202](#)

Records Management, Salt Lake County Ordinance #1190, Subsections 2.82.030, 2.82.050 & 2.82.060

Security of Personal Identifiers, Salt Lake County Ordinance #1598, Subsections 2.81.020 and 2.81.030

**Purpose --**

It is the purpose of Salt Lake County to give due consideration and deference to the rights of appropriate access to government documents and the rights of privacy of individuals who are the subjects of government records.

The following guidelines are provided to aid in considerations involving both rights, within the statutory scheme provided by county ordinances and the state legislature in UCA 63G-2-101 et. seq.

**1.0 General Considerations**

- 1.1** GRAMA establishes the general rule that governmental records shall be considered open and public unless some specific provision or interest requires the record to be non-public.
- 1.2** GRAMA, case law, and the Records Management ordinance generally direct the county to deny access to government records where access would constitute a clearly unwarranted invasion of personal privacy.
- 1.3** All classification and designation of records in the county shall be done with due respect for the personal privacy rights of the subjects of those records.
- 1.4** While county officials and employees enjoy personal privacy rights regarding some government records, as do all citizens, those privacy rights should not be invoked to shield from public view records regarding the performance or activities of officials and employees as to government operations.
- 1.5** Where the public or non-public nature of a specific record or record series is set out by the Act, by some other federal law or state statute, those determinations or guidelines shall control.

- 1.6 Agencies shall collect or maintain individual personal identifiers only as provided by law or ordinance, or where necessary to conduct business as defined by the Security of Personal Identifiers ordinance.

## **2.0 Disclosure of Records**

- 2.1 The Act and the ordinance permits disclosure of records which have been classified as non-public under circumstances in which the public interest in disclosure of the record outweighs any personal privacy rights in the subject of the record is greater than or equal to the interest favoring restriction of access. However, certain records containing private information or which are classified as controlled or protected may not be disclosed even under this balancing test.
- 2.2 The decision to release such information should be made at the level of department director or elected official except where a division director has been specifically designated to make such decisions in regards to division records.
- 2.3 The advice of the District Attorney's Office shall be sought prior to disclosure.
- 2.4 Records received from non-county agencies shall retain the classification assigned by those agencies. If the request seeks such records and which are classified other than "public" the county agency shall not provide those records and shall refer the requestor to that originating agency.

## **3.0 Notification of Subject of Record**

- 3.1 The ordinance permits, but does not require, county employees to notify the subject of a record when a request for that person's record has been made.
- 3.2 Notification of the subject is not mandatory and shall not be grounds for denying a records request nor for delaying the response to a request beyond the time limits set out in GRAMA and Countywide Records Policy and Procedure 2030, Access to Records.
- 3.3 GRAMA requires county agencies that collect Private or Controlled information to post a notice and include with all forms the reasons the person is asked to provide the information, the intended uses of the information, and the consequences to the person if they refuse to provide the information.
- 3.4 Notification of the subject is a courtesy and failure to notify shall not create any rights on behalf of or through such subject for any equitable or monetary relief.

## **4.0 Personal Privacy and Private Records**

The following factors should be considered in defining personal privacy rights for purposes of classification, designation, disclosure, notifying a record subject when a request has been made, segregation of public data from non-public data in a record, and for the public disclosure of non-public records when the public interest in disclosure outweighs or equals personal privacy rights.

- 4.1 Before reviewing the below considerations, county employees should determine first, if the material is a record as defined under [UCA 63G-2-103 \(22\)](#), and second, whether the record's

public or non-public status has already been established by the Act, the ordinance, some other state or federal law, a previous classification or designation, or by court order. Agencies may not rely on a previous classification alone but must assess the status of the records sought upon receipt of a proper request. Agencies are not required to create a record to fulfill a request but may do so and may assess reasonable charges to cover the costs of creating the record or providing it in a format other than as maintained by the agency.

- 4.2** Determination is made on a case-by-case basis, is subjective and can be complex, based on a number of circumstances. In cases where the direction is not clear, the advice of the county Records Manager or District Attorney should be sought.

4.2.1 Requests for the release of “private” records shall be handled as follows:

- A. Records classified as private under state statutes [UCA 63G-2-302 \(1\)](#) or other relevant statutes or regulations shall remain private and shall be released only as allowed under [UCA 63G-2-202 \(1\)](#). No balancing of interests will be undertaken.
- B. Records that may be classified as “private” under [UCA 63G-2-302 \(2\)](#) or which are otherwise classified as “private” must be reviewed to determine if the reasons for disclosure are greater than or equal to the reasons for not releasing the record.

4.2.2 Agencies possessing non-public records relating to a current and on-going criminal, civil, or administrative investigation being conducted by another agency should contact the investigating agency or the District Attorney's Office when a request for such records is received and shall receive and act upon the advice given by the agency or the attorney's office regarding the records request. Records of closed investigations and which may reveal investigative techniques or disclose the identity of witnesses must be referred to the District Attorney for review before they may be released.

- 4.3** A written record shall be made of the privacy rights analysis reflecting any legal advice sought or received.

- 4.4** Specific considerations regarding the determination of whether personal privacy rights outweigh public disclosure include the following:

- 4.4.1 Whether the record discloses the intimate details of a person's life. "Intimate details" may include but not be limited to such matters as family circumstances, financial condition, social security number, home address and phone, health and mental health matters, religious affiliation, and similar subjects of a sensitive and private nature;
- 4.4.2 Whether disclosure of the record would cause unreasonable harm, embarrassment, or humiliation to a particular person whose identity is given or who is readily identifiable or would constitute a risk to the health and safety of an individual;
- 4.4.3 Whether public interest in disclosure of the record outweighs or is equal to the personal privacy considerations; and

- 4.4.4 Whether the subject of the record has a legitimate expectation of privacy in that particular record (but a specific promise or contractual guarantee of privacy is not enough by itself to overcome laws regarding public access).
- 4.5 The following considerations will generally weigh in favor of disclosure:
  - 4.5.1 If the information has already been made public;
  - 4.5.2 If there is a strong public interest in disclosure;
  - 4.5.3 If the information regards widely-known or public figures, who will have a lesser expectation of privacy; and
  - 4.5.4 If the record requested specifically regards government workings, activities, procedures and, especially, public expenditures; however, the law makes a number of specific exceptions regarding such matters, as listed in Policy 2090.
  - 4.5.5 If the expectation of privacy in the record is not clearly established.
- 4.6 An individual's home address, private email address, home telephone number, or personal mobile phone number is considered Protected if the information is required to comply with a law, ordinance, rule or order and the subject of the record has a reasonable expectation of privacy.
- 4.7 Government officials and employees.
  - 4.7.1 Most information in records about public officials and employees regarding their public status, duties, compensation, and other information regarding government duties and matters should be treated as public as defined by GRAMA in [UCA 63G-2-301\(2\)\(b\)](#).
  - 4.7.2 Public officials and employees have the same right of privacy as private individuals regarding information, in governmental records, which has nothing to do with their government jobs or activities.
  - 4.7.3 Under GRAMA, individuals identified as "at-risk government employees" may designate specific records or parts of records as Private by filing a written application with the appropriate county agencies.
- 4.8 Security of Personal Identifiers
  - 4.8.1 The Security of Personal Identifiers ordinance requires that county agencies shall collect or maintain personal identifiers such as individual home address, home telephone number, personal cellular telephone number, signature, social security number, birth date, personal email address, driver's license number, passport number, , and any financial identification numbers only where provided by law or ordinance, or where necessary for the function of the agency. The agency shall document in writing why personal identifiers are collected and have in place a written procedure for the secure collection, maintenance, transmission, transfer, or disposal of personal identifiers.

- 4.8.2 When a county agency contracts with a private entity that transmits or uses individuals’ personal identifiers, the contract shall ensure the protection of those personal identifiers and the contractor will be legally liable for any breach of that duty.

5.0 Controlled Records

A record containing medical, psychiatric, or psychological data about an individual which the agency reasonably believes releasing the record to the subject of the record would be detrimental to the subject’s mental health or safety of another, or releasing the information would constitute a violation of normal professional practice and medical ethics, shall not be released, except as provided in UCA 63G-2-304 (2).

6.0 Protected Records

- 6.1 Records classified as protected under UCA 63G-2-305 shall retain that classification and are not subject to the balancing test.
- 6.2 Records classified as protected but not under UCA 63G-2-305 shall be subject to the balancing test upon receipt of a proper records request and shall be released if the interests favoring release outweigh or are equal to the reasons for retaining the protected status.
- 6.3 Access to protected records shall be controlled by UCA 63G-2-202.

APPROVED and PASSED this day of.

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Steve DeBry, Chair

SALT LAKE COUNTY CLERK

\_\_\_\_\_  
Sherrie Swensen

APPROVED AS TO FORM:

\_\_\_\_\_  
District Attorney                      Date

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SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
**GRAMA APPEALS PROCEDURE**

**Reference --**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections 63G-2-401 through 407 & 701

Records Management, Salt Lake County Ordinance, Section 2.82.100

**Purpose --**

The appeals process provides members of the public with a process for petitioning Salt Lake County to reconsider records request issues.

**1.0 Types of Appeals**

Members of the public may appeal a decision made by the County concerning:

- 1.1 records classifications
- 1.2 fees charged for records
- 1.3 an agency's response to a records request

**2.0 Appeals**

- 2.1 Agency Designee
  - 2.1.1 County agencies shall attempt to resolve public complaints concerning records requests informally and at the lowest possible administrative level.
  - 2.1.2 If a requestor is aggrieved by the county's classification of a record, the fees charged for a record, or by an agency's response to a record request, the requestor may request and be granted an initial administrative appeal of that grievance, in accordance with countywide policies and procedures adopted by the council. The initial administrative appeal is made to the agency designee pursuant to countywide policies and procedures adopted by council.
  - 2.1.3 The agency designee shall have ten business days after the agency designee's receipt of the notice of appeal (or twelve business days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request. Designee shall provide a written decision to the appellant.



- 2.1.4 If a requestor and a County agency designee cannot resolve a complaint at the agency level, the requestor may submit a written notice of appeal to the Chief Administrative Officer for Appeals (“CAOA”). The notice of appeal shall state the basis of the appeal and the relief requested. The requestor shall file the notice of appeal within thirty (30) days of receiving an adverse decision from a County agency.
- 2.1.5 A notice of appeal is considered filed when it is received and date-stamped at the County office of the CAO A designated to respond to the specific records request, located at 2001 South State Street, N3200, Salt Lake City, Utah 84190. No notices of appeal sent by facsimile, e-mail, or any other electronic submission will be accepted.

## 2.2 Chief Administrative Officer of Appeals

- 2.2.1 Upon receiving an appeal notice of an agency decision, the CAO A shall have ten (10) business days after the CAO A’s receipt of the notice of appeal (or twelve (12) business days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.
- 2.2.2 The county shall send written notice of the CAO A’s decision to all participants.
- 2.2.3 In the event the CAO A affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the CAO A’s decision.

## 2.3 Appeal of the Chief Administrative Officer of Appeals’ Decision

- 2.3.1 Either party may appeal the decision of the CAO A to the state records committee or by filing a petition for judicial review with the district court.
- 2.3.2 A party who appeals the CAO A decision to the records committee does not lose or waive the right to seek judicial review of the decision of the records committee.

APPROVED and PASSED this day of .

SALT LAKE COUNTY COUNCIL:

By \_\_\_\_\_

Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

Approved as to form and legality:

\_\_\_\_\_  
Deputy District Attorney

Date: \_\_\_\_\_

SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
**GRAMA RECORDS RETENTION SCHEDULING PROCESS**

**Reference --**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Subsection 63G-2-103(26)

Records Management, Salt Lake County Ordinance #1190, Section 2.82.165

Countywide Records Policy 2010, Agency Records Coordinator, Section 1.3, Policy 2115, Retention and Classification of Electronic Mail Section 4.0, and Policy 2130, GRAMA - Electronic Records Retention Policy, Section 6.0

**Purpose --**

GRAMA and the Salt Lake County Records Management Ordinance requires all County records, whether hard copy, electronic or otherwise, be evaluated, designated with a primary classification and scheduled for retention. Compliance with this policy serves both public and County interests by assuring that records are accessible and administrative, legal, fiscal, and historical requirements have been met.

The definition of a [record](#) is as stated in and in accordance with GRAMA.

**1.0 Requirements for Establishing Retention Schedules**

- 1.1** This policy establishes official retention schedules that govern the length of time records are retained; their final disposition, either maintained for historical purposes or destroyed upon meeting retention; and their classification under GRAMA.
- 1.2** The responsibility for developing a retention schedule shall reside with county offices, departments and divisions, with the assistance and advice of the County Records Manager. Records Management & Archives is responsible for development of all forms and procedures used in this process.
- 1.3** In scheduling records for retention, the following considerations shall be taken into account:
  - 1.3.1 Any specific retention requirement established by law, statute or ordinance;
  - 1.3.2 Reasonable records standards and needs, based on best business practices, retention storage capabilities, and particular industry or professional requirements or standards;
  - 1.3.3 Legal needs, including pending or likely litigation;
  - 1.3.4 Applicable statutes of limitation;
  - 1.3.5 Any pending fiscal or performance audit process;
  - 1.3.6 Administrative and policy needs; and

1.3.7 Historical value.

**1.4** In the absence of an agency retention schedule, the County adopts the appropriate retention schedule as approved by the State of Utah.

**1.5** Retention schedules are subject to review and approval by the Government Records Access and Management Policy Administration (GRAMPA).

## **2.0 Requirements for Revising the Salt Lake County Retention Schedule**

It is the responsibility of County agencies to periodically review and evaluate their retention schedules and classifications. They are responsible to submit retention changes to Records Management & Archives for submission to GRAMPA for approval.

## **3.0 Compliance with GRAMA Regarding Retention Schedules and Classifications**

Records Management & Archives will submit reports to the State of Utah regarding changes to retention schedules or records classification not more than thirty (30) days after action has been taken by the GRAMPA committee.

APPROVED and PASSED this day of .

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Steve Debry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
District Attorney's Office      Date

SALT LAKE COUNTY  
COUNTY-WIDE POLICY  
ON  
**GRAMA DISPOSAL OF RECORDS**

**Reference --**

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Subsections 63G-2-103(22)(a-b),

Utah Administrative Services Code, Public Records Management Act, Utah Code Annotated, Subsection 63A-12-105(3)(a)

Salt Lake County Ordinance 1190 - Records Management, Subsections 2.82.030.G, 2.82.030.L, 2.82.130.A, 2.82.150.A-B

Salt Lake County Ordinance 1598 – Section 2.81 Security of Personal Identifiers

Salt Lake Countywide Policy HIPAA Security Requirements 1510

Salt Lake Countywide Policy on Information Technology Security Payment Card Industry Data Security Standard Policy 1400-7

**Purpose –**

This policy establishes justification, responsibility and standards for proper disposal of records created or maintained in any format after the official retention period has expired. The County Records Manager is responsible to monitor compliance and Records Coordinators should coordinate compliance of their agency; ultimate responsibility for compliance, however, rests with the agency's director. County employees, knowingly disposing of county records in violation of this policy, may be subject to disciplinary action and criminal prosecution, including termination of employment. (See Records Management Ordinance, subsection 2.82.130.A)

This policy offers recommendations for appropriate disposal of non-records containing non-public information.

**1.0 Justification**

**1.1** Retention Schedules used by Salt Lake County are approved by the Salt Lake County Government Records Access and Management Policy Administration (GRAMPA) or adopted as previously approved by the State Records Committee. County records are controlled by the Retention Schedules. The schedules establish the length of time records must be maintained in order to provide appropriate access for administrative, legal, fiscal, audit, or historical, functions. (See Countywide Records Policy and Procedure 2070, Record Retention Scheduling Process.)

**1.2** GRAMA requires the prompt and appropriate disposal of records that have reached the end of the established retention period.

- 1.3 County records that must comply with federal law, regulations or industry guidelines must also meet established retention periods and follow authorized records disposal.

## 2.0 Records Stored in the Records Center

- 2.1 The Records Center is responsible for disposal of records in its custody that have completed the required retention. Disposal is performed in a controlled accessible process that ensures proper disposal of the records and prevents unauthorized accessibility.
- 2.2 The Records Center notifies the agency having proprietorship prior to the disposal of records. This allows the agency opportunity to defer the disposal until litigation, audit, or regulatory processes have been completed. It also allows for re-appraisal of the records due to changed retention requirements and/or archival review due to potential historical value of the records.
- 2.3 The Records Center uses approved methods and industry best practices to document the disposal of all records. All records documenting the disposal process are retained permanently and available for agency review upon request.
- 2.4 County Records Management will provide guidance for disposal of unique record formats that require special handling upon request by the agency.

## 3.0 Non-Electronic Records Stored by County Agencies

- 3.1 Agencies may request the disposal of their own records when the following requirements are satisfied:
  - 3.1.1 the record has been scheduled on the County Retention Schedule;
  - 3.1.2 the disposal process is specified in written standard operating procedures that comply with approved disposal guidelines and are approved by the department director.
- 3.2 Records of county agencies may be disposed of by the following methods:
  - 3.2.1 Records classified as Public may be recycled by disposing of them in appropriate bins conforming to county guidelines, or they may be shredded.
  - 3.2.2 Records with classifications other than Public should be shredded or transferred to the Records Center for disposal. Agencies who wish to use recycling companies to destroy non-public records must coordinate their practices with Records Management & Archives . They must have a policy in place that ensures confidentiality of the material.
  - 3.2.3 Records for shredding must be shredded at a width of no more than ¼ inch or shredded with a cross-cut shredder.
  - 3.2.4 Agencies who subcontract records disposal services must ensure compliance with these policies.

## 4.0 Electronic Records Disposal

## **4.1 Disposal of Physical devices containing records**

- 4.1.1 Agencies that have electronic media ready for disposal that contains records must ensure that 1), the records contained have met retention, or 2) the records have been migrated to a new media prior to destruction. Examples of electronic media include hard drives, tapes, disks, or other fixed or removable media.
- 4.1.2 Agencies must ensure the media is completely destroyed by using an authorized record disposal service that meets AAA NAID Certification requirements. The service must provide a certificate of destruction and serial number documentation.
- 4.1.3 Agencies that do not shred their electronic media must conform to the records disposal requirements of the Department of Defense DoD 5015.02 STD for Electronic Records Management Software Applications Design Criteria Standards, April 25, 2007. This standard requires that the data be wiped seven times to ensure is unrecoverable.

## **4.2 Disposal of records in electronic recordkeeping systems that have met retention.**

- 4.2.1 Electronic records that have met retention must be disposed of according to Department of Defense DoD 5015.02 STD for Electronic Records Management Software Applications Design Criteria Standards, April 25, 2007. This is considered the minimum standard in the industry. Electronic recordkeeping systems must provide a process to identify records that have met retention and be able to delete or remove them from the system according to industry guidelines.
- 4.2.2 Prior to disposal, agencies must ensure those records that have met retention are not being held for litigation or audit purposes.
- 4.2.3 Agencies disposing of records from electronic recordkeeping systems must ensure that a tracking system or internal audit trail is kept of records that are disposed from the system. Agencies should work with their Information Services personnel to ensure that records backed up to disk systems or to tapes are also deleted from the systems.
- 4.2.4 Agencies using electronic systems that do not have the capability of disposing of electronic records from the system must ensure that the paper copies of the records are maintained as the record copy.

## **5.0 Disposal of Non-Records**

- 5.1 Non-records, whether electronic or non-electronic, are those as per the definition of a non-record under GRAMA.
- 5.2 Non-Records, whether electronic or non-electronic, are not controlled by GRAMA and may be destroyed at any time without formal documentation.
- 5.3 When non-records contain non-public information, it is recommended that they are disposed of according to the guidelines in 3.2.2 and 3.2.3 of this policy.

**6.0 Training and Education**

It is the responsibility of Records Management & Archives to provide current information on records disposal processes through records management training and website resources.

APPROVED and PASSED this day of .

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
District Attorney's Office

\_\_\_\_\_  
Date



SALT LAKE COUNTY  
COUNTY-WIDE POLICY  
ON  
**GRAMA ADMINISTRATION (GRAMPA)**

**Reference -**

Records Management, Salt Lake County Ordinance #1190, Section 2.82.140

**Purpose -**

The Government Records Access and Management Policy Administration (GRAMPA) shall assist the County in complying with the Government Records Access and Management Act (GRAMA) and provide assistance, input, and recommendations regarding County records activities and policies.

**1.0 GRAMPA Functions**

- 1.1** GRAMPA is created by Salt Lake County Ordinance 2.82.140.B. GRAMPA shall serve such functions as are provided in that ordinance and in this Policy and Procedure.
- 1.2** GRAMPA shall be responsible for developing and recommending draft policies relating to records access and management issues, which policies shall be subject to the review, approval and adoption of County Steering Council and the County Council.
- 1.3** GRAMPA shall be responsible for oversight and development of countywide records management, access standards, review, and approval of retention schedules. GRAMPA shall also periodically review existing policies and practices for compliance and conformance to current records and information standards.
- 1.4** GRAMPA shall provide such assistance and advice as may be requested regarding internal department or division records policies and activities.

**2.0 GRAMPA Members, Terms and Activities**

- 2.1** GRAMPA shall consist of members chosen among County officials, employees, and citizens with an interest or background in records management and information technology management.
  - 2.1.1** The minimum number of members on GRAMPA shall be fourteen (14), plus the chairperson.
  - 2.1.2** Initial membership may consist of one member from each County department and elected office. County divisions may request individualized membership on GRAMPA upon the approval of the department's director or the elected official and of GRAMPA.
  - 2.1.3** Membership shall be subject to reassessment or reappointment at least annually.

- 2.2 GRAMPA shall include at least two citizen members subject to advice and consent of the County Council.
- 2.3 GRAMPA representatives shall serve for indefinite terms. The authority to nominate and substitute GRAMPA members shall lie with the individual elected officials, department directors, and division directors. The County Records Manager may also make recommendations.
- 2.4 GRAMPA shall be chaired by the County Records Manager A vice-chair shall be elected by GRAMPA members to conduct meetings in the absence of the chair. Other on-going or temporary officers or sub-committees may be created by GRAMPA as needed.
- 2.5 GRAMPA meetings may be scheduled monthly or as needed. The chair may cancel scheduled meetings or convene additional meetings as determined necessary by the chair or by GRAMPA. All GRAMPA meetings shall be subject to the Open Meetings Act. Committee members may participate in the meeting by telephone/electronic means in accordance with the Open Meetings Act.
- 2.6 Staff assistance to GRAMPA shall be as designated by the County Records Manager and legal counsel provided, as necessary, by the County District Attorney.
- 2.7 Agendas, minutes and other records shall be maintained as necessary and as provided by the Open Meetings Act. All records created by GRAMPA will be maintained by County Records Management and Archives and will be scheduled and classified as required by law.
- 2.8 GRAMPA may adopt internal policies and procedures regarding its own operations, voting, quorum requirements and similar activities.

APPROVED and PASSED this day of .

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Steve DeBry, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
District Attorney's Office

\_\_\_\_\_  
Date