

Request for a Record
Utah Government Records Access and Management Act
(must be submitted in writing)

To: Government Entity: _____

Address of Government Office: _____

Records requested: (describe with reasonable specificity, attach additional sheet if necessary)

- I desire to inspect (view) the records. (There is no charge for viewing or inspecting a record.)
- I desire copies of the records. I understand that I may be responsible for fees associated with copying charges to research charges as permitted by Utah Code Ann. §63-2-203 (see reverse). I authorize costs of up to \$_____ in conformance with the government entity's policy as determined by ordinance or written formal policy adopted by the governing body.

NOTE: Utah Code Ann. §63-2-203(4) encourages agencies to fulfill a records request without charge. Based on that statute, I am requesting a waiver of copy costs because

- Releasing the record primarily benefits the public rather than a person because _____

- I am the subject of the record.
- I am the authorized representative of the subject of the record.
- My legal rights are directly affected by the record and I am impoverished. (Please attach information supporting your request for a waiver of fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

- I am the subject of the record.
- I am the person who provided the information.
- I am authorized to have access by the subject of the record or by the person who submitted the information. (Attach documentation required by Utah Code Ann. §63-2-202).
- Other. Please explain: _____

- I am requesting expedited response as permitted by Utah Code Ann. §63-2-204(3)(b). (Please attach information that shows your status as a member of the media and that a story is required for broadcast or publication; or other information that demonstrates that you are entitled to expedited response because this request benefits the public rather than the person making the request) Without this provision the request will be handled as soon as reasonably possible, but can take up to ten business days to be granted.

This request is submitted under the authority of Utah Code Ann. §63-2-101 et. seq., (GRAMA).

Person making request: _____

Mailing Address: _____

Daytime Telephone Number: _____

Date: _____

Signature of person making request

TO THE GOVERNMENT ENTITY WHERE A RECORD IS REQUESTED:

This form is meant to comply with the minimum statutory requirements for access to government records. The details of these statutory requirements are found in Chapter 63-2, Utah Code Annotated. The provisions of the Government Records Access and Management Act (GRAMA) are lengthy and complicated. This summary is only meant to provide some highlights. (References in parentheses are to sections of the Utah Code Annotated.)

Intent: GRAMA is intended, among other goals, to promote the public's right of easy and reasonable access to unrestricted public records and to favor public access when, in the application of the law, countervailing interests are of equal weight. (§63-2-102)

Access: Every person is entitled to review and obtain copies of any public document. (§63-2-201(1)).

Time: A request for record access or copies shall be responded to as soon as reasonably possible -- no later than 10 business days, or 5 business days if a request benefits the public rather than the requesting individual. (§63-2-204(3)(a))

Charges: Records can be inspected free of charge. (§63-2-201(1)). A reasonable charge can be assessed for copies if that charge is adopted by official policy. (§63-2-203(1)). The actual cost to compile a record in a form other than that normally maintained may be charged. (§63-2-203(2)). No charge can be assessed for the time taken to review a record to determine if it is public or for inspecting the record. (§63-2-203(5)). No charge is to be made if the record directly relates to a person's legal rights and that person cannot afford to pay the fee. (§63-2-203(4)). The Utah Courts have held that no charge for compilation of a record is to be made without previous notice of the charge and an offer to allow the requestor to compile the record himself. If the agency compiles the record as a preferred way to provide it, rather than from necessity, no charge is to be made. Graham v. Davis County Solid Waste Dist. 1999 UT Ct App 136 at ¶ 27.

Public documents - Every document is public unless private, controlled or protected: (§63-2-201(2))

Private documents - Generally relate to individuals and their private interests, such as eligibility for benefits, medical history, employment, library circulation, etc. (§63-2-302).

Controlled documents - mainly medical records of individuals shared to a limited audience. (§63-2-303)

Protected documents - Generally trade secrets, financial and commercial information for companies, test questions, appraisals for future property transactions, investigations, litigation documents not available through discovery, privileged communications from the agency's attorney, drafts, minutes and notes of closed meetings, and other documents that may compromise a legitimate state or private interest. (§63-2-304)

Business Confidentiality: If a record provided by a business to an agency is desired to be protected, the business must provide a claim of confidentiality and state the reasons for the restricted access. The agency can still classify the record as public if it notifies the business. (§63-2-308)

Not a record: temporary drafts, privately owned documents; calendars and notes; etc. (§63-2-103(18))

Denial: If access is denied, the agency shall provide a notice of denial, including a description of the record or portion of record to which access is denied, citation to the statute allowing the denial, and a description of the process to appeal. (§63-2-205(2))

Destruction: If access to a record is denied, that record is not to be destroyed or given to another agency before the appeal period has passed. (§63-2-205(3))

Other agencies: Non-public records can be provided to another government agency if that agency enforces, litigates or investigates civil, criminal or administrative law and in other instances. (§63-2-206(1)).

Appeals: Allowed within 30 days of a denial of access or other determination adverse to the applicant. The applicant or anyone else who is aggrieved by the denial (such as the media) can file a notice of appeal to the chief administrative officer of the government entity. (§63-2-401). An appeal of a final local or agency GRAMA decision can be requested of the state records committee or the district court. (§63-2-402).

Penalties: It is a class B misdemeanor to knowingly disclose records that should not be disclosed, or to gain access to records that should not be disclosed by false pretenses, bribery, or theft, or to intentionally refuse to release a record which is legally required to be released. (§63-2-801)

Attorneys Fees: Can be ordered against the agency if a person who appeals a denial of access substantially prevails in legal action. (§63-2-802)

Information:

Utah State Archives Records Committee (801) 538-3012 or State Agency Counsel Division, Office of the Attorney General (801) 366-0353.

This form provided by the Utah State Property Rights Ombudsman. For more information, call TOLL FREE 1-877-882-4662 or e-mail to ppombud@aol.com.