

GOVERNMENT RECORDS AND MANAGEMENT ACT (GRAMA)

Utah Code Section 63G-2

10 Basic pointers—taken directly from the law:

1. All PUBLIC entities (including public schools) shall comply with the law.
2. All records maintained by public entities may be inspected by any person “free of charge.” (63-2-201(1)) A record is public unless expressly provided by statute. “Record” is defined in §63G-2-103(22)
3. Certain records “must be disclosed.” §63G-2-301 has a ***non-exhaustive list*** of approximately 30 categories of records that *must* be disclosed. Some of the more commonly requested records include: “name, gender, gross compensation, business address, business email address, dates of employment, relevant employment, etc.” of current and former employees and “officers” of the governmental entity.
4. There are also records that are categorically private (e.g. an individual’s medical records), controlled (records provided by designated entities to a governmental entity with express direction *not to disclose* the records to the public employee) and protected (e.g. “records maintained for civil, criminal or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification or registration purposes—*only if the records could lead to specific conditions--§63G-2-304(9)*).
5. Some items are *expressly not records* (e.g. personal calendars, personal phone numbers). Public employees’ personal impressions and opinions are not “records”—unless embodied in a permanent form and maintained as part of the person’s public employment.
6. Records must be disclosed within specific time periods (§63G-2-204 and 205). There is some leniency for legal review of records, if a large number of records have been requested or if disclosable records must be sorted from those that are private or protected.
7. A government entity should have a policy that designates a “records officer” (63G-2-108) and that provides for an appeals process following denial of requests (63G-2-205(2)(c) and §63G-2-401). For example, a

charter school could designate the charter school headmaster as the records officer. If the headmaster denied a request for employees' home addresses, the requester should have an opportunity to appeal to—someone in the government entity such as the board chair, the board as a whole, etc.

8. Government entities may recover “actual costs” of filling GRAMA requests (63G-2-203). Fees should be established by governmental entity policy, fees should be reasonable and the policy should be readily available to the public.
9. Some information does not necessarily have to be retained by a governmental entity (e.g. teacher opinion surveys). But if they are retained, they cannot be destroyed once they are requested.
10. Increasingly, records (in all of their variations) are considered public information. For instance, a governmental entity was recently directed by the Records Committee (§63G-2-403) to release student statements to a media reporter acquired in an investigation.

Extra reminder: Consult with an attorney to draft your school’s policy and to consider how various provisions of the law apply to your school. These pointers reflect my experience in working with many requests for information and public entities.

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