

CHAPTER 10

RECORDS ACCESS AND MANAGEMENT

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1-10-1: **SCOPE; APPLICABILITY:**

- A. Purpose: The purpose of the Government Records Access and Management Act¹ is to standardize both records access and management.
- B. Intent: The intent of the Act is to make available to the public all of the records of government possible while protecting the privacy rights of individuals.
- C. Records Availability: Most records of the City will be public and available at reasonable times and places for inspection and copying.
- D. Criminal Sanctions: There are possible criminal sanctions for an individual who wrongly refuses access to a record and for an individual who wrongly discloses a properly classified record. (Res. 96-003, 2-13-1996; 1998 Code)

1-10-2: **COMPLIANCE; RECORDS OFFICER:** The City will comply with the Act. The City Recorder is appointed as the City Records Officer and shall work with the State Archives in the care, maintenance, scheduling, designation, classification, disposal and preservation of City Records. (Res. 96-003, 2-13-1996; 1998 Code)

¹ U.C.A. ' 63-2-101 et seq.

1-10-3: **CLASSIFICATION OF RECORDS:** The words “designation” and “classification” are jargon which refers to the act of placing individual records or records series in one of four (4) classifications: public, private, controlled, or protected. Private, controlled and protected are terms of art which refer to specific classification possibilities. Most records must be public. Some records must be classified as private. These include records about a person’s welfare benefits, medical benefits, library records, employee’s home address, social security number and marital status. This list is not dispositive. Before any record is disclosed, the Records Officer should be consulted to ensure that privacy rights are maintained. (Res. 96-003, 2-13-1996; 1998 Code)

1-10-4: **CITY POLICY:**

- A. Hours of Inspection: The records of the City shall be open to inspection by the public during regular business hours, except as is herein provided.
- B. Charge for Copies: Any public record of the City may be copied or electronically reproduced for any member of the public on payment to the City Recorder of the charges set forth by resolution of the City Council.
- C. Elected Officials; Inspection Rights: Any elected official of the City shall at all times have the right to inspect the books, records and papers of the City. (1977 Code 3-344)

1-10-5: **REQUEST FOR RECORDS:**

- A. Information Required: A person making a request for a record must furnish the City with a written request containing his name, mailing address, daytime telephone number, if available, and a description of the records request that identifies the record with reasonable specificity.
- B. Public Benefit: Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person. (Res. 96-003, 2-13-1996; 1998 Code)

1-10-6: RESPONSE BY CITY:

- A. Time Limitations: As soon as reasonably possible, but no later than ten (10) business days after receiving a written request, or five (5) business days after receiving a written request if the requester demonstrates that expedited response to the record request benefits the public rather than the person, the City shall respond to the request by:
1. Approving the request and providing the record;
 2. Denying the request;
 3. Notifying the requester that it does not maintain the record and providing, if known, the name and address of the governmental entity that does maintain the record; or
 4. Notifying the requester that because of one of the extraordinary circumstances allowed by law¹, it cannot immediately approve or deny the request.
- B. Failure to Provide; Denial: If the City fails to provide the requested records or issues a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records. (Res. 96-003, 2-13-1996; 1998 Code)

1-10-7: **APPEAL:** The law contains an appeals process² for those wishing to either appeal a classification decision or an access decision. (Res. 96-003, 2-13-1996; 1998 Code)

¹ U.C.A. 63-2-204.

² U.C.A. 63-2-401.