

# R132, Government Records Access and Management Act Guidelines<sup>1</sup>

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**R132-1. Purpose:** To provide Board policy and guidelines for institutional policy in matters related to the Government Records Access and Management Act (GRAMA).

## R132-2. References

- 2.1. Utah Code [§63-2-204\(2\)](#) (Rules for Requests of Records)
- 2.2. Utah Code [§63-2-904\(2\)](#) (Rulemaking Authority)
- 2.3. Utah Code [Title 53B, Chapter 16, Part 3](#) (Higher Education: Restricted Records)
- 2.4. The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment) [20 U.S.C. §1232g](#)

## R993-3. Definitions

- 3.1. **Classification:** "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under GRAMA Section [201\(3\)\(b\)](#).
- 3.2. **Designation:** "Designation," "designate," and their derivative forms mean indicating, based on the Records Officer's familiarity with a record series, the primary classification that a majority of records in a record series would be given if classified.
- 3.3. **Exempt Records:** "Exempt records" are records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, such as, for higher education institutions, Restricted Sponsored Research/Technology Transfer Records (Utah Code [§53B-16-301, 302, 303, 304, 305](#)) and The Family Educational Rights and Privacy Act of 1974 ([Buckley Amendment](#)).

## R132-4. Policy Guidelines

- 4.1. **Records Officer:** Each President shall appoint one or more records officers to provide for the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of the institution's records.
- 4.2. **Written Requests for Access to Records:** Each institution shall specify where and to whom written requests for access to records shall be directed. An institution may specify one central office to receive all GRAMA requests for access to institutional records or it may prefer to specify several offices or individuals to receive these requests in order to accommodate the size, complexity or diversity of the institutional records systems. (See GRAMA Section [204\(2\)](#).)
- 4.3. **Institutional Officers Responsible to Undertake the Various Requirements of GRAMA:** GRAMA Section [904\(2\)](#) allows each institution to specify the level within the institution at which various requirements of GRAMA shall be undertaken, as follows:

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**4.3.1. Designation of Records:** Each institution shall evaluate the record series that it uses or creates, shall proceed to designate, as soon as possible, how each such record series is classified, beginning with the designation of those records or record series for which requests for access are anticipated, and shall report the designations to state archives. (See GRAMA Section 306.)

**4.3.2. Statement of Purpose for Collecting Information:** When an institution designates a record as private or controlled, the institution must also file a statement with state archives explaining the purposes for which the records are collected and used by the institution. (See GRAMA Section 601.) The institutional may use the record only for the purposes listed in that statement. However, sharing of records with other governmental entities is allowed, subject to the restrictions of GRAMA Section 206.

**4.3.3. Weighing of Privacy and Access Interests:** Institutional policy may empower the President or his or her designee to weigh privacy interests against access interests and to allow more liberal access to certain private or protected records if the interests favoring access outweigh the interests favoring restriction of access. (See GRAMA Section 201(5)(b).) If someone other than the President is designated to exercise this weighing authority the designee should be at the highest possible level within the institution's structure. This weighing authority is particularly relevant to business confidentiality claims under GRAMA Section 308.

**4.3.4. Appeals to President or Designee:** A dissatisfied records access requester has a right to an appeal to the President or his or her designee. If a designee will routinely decide these appeals, then that designee shall be specified by institutional policy. An institution may provide that specific sub units of the institution are separate "governmental entities" for purposes of GRAMA and specify the individual or position considered the head of each such "governmental entity" for purposes of appeals. (See GRAMA Section 401.)

**4.3.5. Fees and Fee Waivers:** If an institution charges a reasonable fee to cover the institution's cost of duplicating a record, or for compiling the record in a form other than that maintained by the institution, the institution shall adopt a fee schedule as provided by GRAMA Section 203. Institutional policy shall also establish at what level in the institution determinations are made regarding the waiver of fees, as permitted by GRAMA Section 203(3).

**4.3.6. Access for Research Purposes:** Institutional policy shall establish at what level in the institution determinations are to be made regarding requests for access to records for research purposes, as permitted by GRAMA Section 202(3).

**4.3.7. Institution Owned Intellectual Property Rights:** Institutional policy shall establish at what level in the institution determinations are to be made regarding the duplication and distribution of materials for which the institution owns the intellectual property rights, as permitted by GRAMA Section 201(10).

**4.3.8. Sponsored Research and Technology Transfer:** Institutions engaged in sponsored research and technology transfer projects shall designate by whom and by what procedures the institution may restrict access to portions of technology transfer and sponsored research records for the purpose of securing and maintaining proprietary protection of intellectual property rights, or for competitive or proprietary purposes as a condition of actual or potential participation in a sponsored research or technology transfer agreement, as provided by new sections 53B-16-301 through 305.

**4.3.9. Written Claim of Business Confidentiality:** If an institution intends to accept written claims of business confidentiality, it shall develop procedures for reviewing the requests for reasonableness and for managing the restricted records. (See GRAMA 304(2) and 308.)

**4.3.10. Segregation:** Institutions may choose to adopt policy and procedures to segregate records or information within records that a future requester will be entitled to inspect, from records or information within records that the requester will not be entitled to inspect, in order to simplify the segregation process at the time the request for access is made. (See GRAMA Section 307.)

**4.4. Appeals from Individual Contests of the Accuracy or Completeness of Personal Records:** An individual may contest the accuracy or completeness of records concerning him or her. Appeals from such decisions are governed by the Utah Administrative Procedures Act (UAPA). If an institution desires to conduct appeals from such decisions informally rather than formally it must adopt institutional policy to that effect. (See GRAMA Section 603.)

**4.5. Anonymity of Donors and Prospective Donors:** If an institution intends to offer anonymity to donors or prospective donors it shall designate to whom and by what procedure the donor may request such anonymity in writing. (See GRAMA Section 304(36).)