

# Karl G. maeser preparatory Academy

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**Governmental Records Access Management Policy**

**Approved September 11, 2011**

# 1. PURPOSE AND PHILOSOPHY

This policy provides guidelines to manage, classify, and access school records in compliance with applicable Utah state laws and regulations, including, but not limited to, the Government Records Access and Management Act (GRAMA) (Utah Code Ann., Section 63G-2- 101, et seq.); and to provide public access to school records in accordance with state laws and regulations while protecting individual rights of privacy.

# 2. DEFINITIONS

“Record” or “Records” includes a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics that is prepared, owned, received, or retained by the school, and the information is reproducible by photocopy or other mechanical or electronic means. Drafts, personal notes, and personally owned documents are not records (Utah Code Ann., Section 63G-2-103(22)).

# 3. RECORDS MANAGERS

3.1 The Director

The Director is designated as the Records Manager for all files and records of the school.

## 3.2 The Business Administrator

The Business administrator is designated as the “Records Manager” for all business and financial files and records of the school.

## 3.3 Assistant Directors

The Assistant Director for the high school portion of the school is the Records Manager for all employee and personnel files and records of the school for teachers who spend the majority of their teaching time with high school students. The Assistant Director for the middle school portion of the school is the Records Manager for all employee and personnel files and records of the school for teachers who spend the majority of their teaching time with middle school students.

## 3.4 The Director of Special Education

The Director of Special Education is the Records Manager for all special education activities.

# 4. RESPONSIBILITIES OF RECORDS MANAGERS

Each Records Manager will perform the duties and responsibilities set forth in Utah Code Ann., Section 63G-2-101, et seq. and review and respond to a request for access to records under their supervision (“GRAMA request”). All GRAMA requests shall be coordinated through the Director.

# 5. GRAMA REQUEST

A person may request to inspect or receive copies of the school’s records by filing a written GRAMA request. The GRAMA request must contain the necessary information on the requestor and a specific description of the records being requested.

# 6. RECORDS CLASSIFICATION

6.1 Records Managers will be responsible to evaluate and satisfy GRAMA requests in a manner consistent with Utah law and this policy when this GRAMA policy has defined a classification for the particular record being requested. When a record classification has not been determined for a particular type of record, then the Karl G. Maeser Preparatory Academy Board of Trustees shall classify such record types with the input from the Records Manager pursuant to the board’s authority to do so under Utah Code Annotated 63G-2-307. Such classification may be accomplished either before or after a GRAMA request for such record has been received.

6.2 A record shall be classified under one of the following categories:

“Public” records as described in Utah Code Ann., Section 63G-2-301; “Private” records as described in Utah Code Ann., Section 63G-2-302-303; “Controlled” records as described in Utah Code Ann., Section 63G-2-304; “Protected” records as described in Utah Code Ann., Section 63-2-305; OR A record to which access is restricted as described in Utah Code Ann., Section 63G- 2-201(3)(b).

## 6.3 Specific classifications

The following records are private:

6.3.1: Records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection [**63G-2-301**](http://le.utah.gov/~code/TITLE63G/htm/63G02_030100.htm)(2)(b) or [**63G-2-301**](http://le.utah.gov/~code/TITLE63G/htm/63G02_030100.htm)(3)(o), or private under Subsection (1)(b);

6.3.2: Records describing an individual's finances, except that the following are public:

     (i) records described in Subsection [**63G-2-301**](http://le.utah.gov/~code/TITLE63G/htm/63G02_030100.htm)(2);

(ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

6.3.3: Records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

6.4.4: Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

6.5.5: Records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

# 7. RECORDS ACCESS

7.1 All GRAMA requests shall be submitted to the Director. The Director shall delegate responsibility for responding to the GRAMA request.

7.1.1 Any inspection of a “public” record shall be during normal business hours in accordance with Utah Code Ann., Section 63G-2-201.

7.1.2 All “private,” “controlled,” and “protected” records shall be disclosed only in accordance with Utah Code Ann., Section 63G-2-202.

7.2 Approved GRAMA requests shall be provided in a timely manner in accordance with Utah Code Ann., Section 63G-2-204.

# 8. FEES

8.1 A fee shall be charged for the school’s actual cost of duplicating a requested record and also for personnel time in compiling and obtaining the record as follows (Utah Code Ann., Section 63G-2-203):

A copy fee of ten (10) cents per page for each single sided copy. A copy fee of fifteen (15) cents per page for each double-sided copy. A fee of twenty dollars ($20.00) per hour for school personnel time shall be charged for searching, formatting, manipulating, tailoring, summarizing, and compiling a record, when such activities exceed fifteen (15) minutes.

8.2 The school shall require pre-payment from a requestor if the fees to produce the record are expected to exceed fifty dollars ($50.00).

8.3 The school may not charge fees for reviewing a record to determine whether it is subject to disclosure, except as otherwise permitted by Utah Code Ann., Section 63G-2-203; OR the requestor’s inspection of the record.

# 9. APPEALS

9.1 If a requester is dissatisfied with the Records Manager’s decision, the requester may submit a written appeal to the Maeser Board of Trustees according to time limits and provisions of Utah Code Ann., Section 63G-2-401.

9.1.1 If the requestor is dissatisfied with the decision of the Board, the requestor may file an appeal to the State Records Committee in accordance with Utah Code Ann., Section 63G-2-403, or petition for judicial review in the district court as provided by Utah Code Ann., Section 63G-2-404.

9.2 An individual may contest the accuracy or completeness of a record in accordance with Utah Code Ann., Section 63G-2-603.

# 11. STUDENT RECORDS

All student records are designated as “education records” and the disclosure of such education records is not governed under GRAMA but under the Family Education Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. Section 1232(g); 34 C.F.R. Section 99, et seq.; and 34 C.F.R. Section 300, et seq.). The School may not release information related to educational records without parental consent, except as otherwise provided in FERPA.

# 12. COPYRIGHTED OR PATENTED MATERIALS

Any record which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark, or other protected designation, shall not be copied or provided to any person without a valid order of a court ordering such disclosure or written permission from the author of the record.