

Utah – State Public Record Laws

Citations	<p>Government Records Access and Management Act (GRAMA) Title 63G, Chapter 2 (http://le.utah.gov/UtahCode/section.jsp?code=63G-2)</p>
Exemptions to Disclosure	<p>63G-2-103(22)(b) states that a "record" does not mean:</p> <ul style="list-style-type: none"> • A personal note or personal communication prepared or received by an employee or officer of a governmental entity; • A temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working; • Material that is legally owned by an individual in the individual's private capacity; • Material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision; • Proprietary software; • A commercial publication received by a governmental entity or an official or employee of a governmental entity; • A book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public; • Material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material; • A daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working; • A computer program that is developed or purchased by or for any governmental entity for its own use; • A note or internal memorandum prepared as part of the deliberative process. <p>63G-2-305 states that the following records are protected from disclosure if classified properly:</p> <ul style="list-style-type: none"> • Trade secrets; • Attorney client privileged records; • Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding; • Drafts, unless otherwise classified as public; • Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information; • The following records of an institution within the state system of higher education, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution: unpublished lecture notes; unpublished notes, data, and information relating to research; and of the institution within the state system of higher education or a sponsor of sponsored research; unpublished manuscripts; creative works in process; scholarly correspondence; and confidential information contained in research proposals; • Information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food; • Records of the Department of Agriculture and Food that provides for the identification,

	<p>tracing, or control of livestock diseases;</p> <ul style="list-style-type: none"> • The name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is conducted within the state system of higher education, and is conducted using animals.
Access Rights	<ul style="list-style-type: none"> • Every person has the right to inspect a public record free of charge. • A governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record. <ul style="list-style-type: none"> • For a detailed breakdown of applicable Fees see 63G-2-203. • If the state agency denies the request for records they must provide notice of denial either in person or by letter to the requester. 63G-2-205.
Destruction of Public Records	<p>Records are appraised according to the following criteria: administrative, fiscal, legal and historical value. Once the value has been fulfilled, one of two things happen: the records are destroyed, or they are preserved for permanent use. Often permanent records are transferred to the Archives for access and long-term care. Before a record can be destroyed, erased, deleted, or made otherwise unavailable, a retention schedule for that record must be established and approved by the State Records Committee.</p>