

UTAH STATE LEGISLATURE

REQUEST FOR A RECORD

under the

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (Utah Code Title 63G, Chapter 2) and UTAH LEGISLATURE POLICIES AND PROCEDURES FOR HANDLING RECORDS REQUESTS

Date: _____

From: _____

(Name)

(Mailing address)

(City)

(State)

(Zip code)

(Daytime telephone number)

FOR OFFICE USE ONLY

- To:
- House of Representatives
 - Senate
 - Office of Legislative Auditor General
 - Office of Legislative Fiscal Analyst
 - Office of Legislative Research and General Counsel
 - Legislative Printing

I request the following record or records (must be identified with reasonable specificity):

I am requesting only records¹ sent, received, or created from _____ to _____
(Date) (Date)

If you are requesting that we search email or other records relating to specific topics, please specify the search terms² you would like us to use to identify the records you are requesting:

- I request an expedited response because I can demonstrate that this request for records benefits the public rather than myself, based on the following:

(For more information relating to a record request to a legislative office, please review the back of this form.)

Revised 5/23/13

¹Declining to limit your request to particular dates may cause your request to be out of compliance with the requirement to identify the requested records with reasonable specificity.

²Declining to identify search terms may increase the volume of records to be reviewed and the amount of staff time required to review them and thus may result in higher fees.

GENERAL INFORMATION

Introduction

This document is intended to provide general information relating to a request for a record directed to a governmental entity within the legislative branch. It is not intended as legal advice, nor is it a comprehensive description of Utah Code Title 63G, Chapter 2, Government Records Access and Management Act ("GRAMA") or the Utah Legislature Policies and Procedures for Handling Records Requests ("Policies") (at <http://le.utah.gov/documents/2007GRAMApolicies.pdf>). Please refer to GRAMA and the Policies for further information.

Time for Response

Normally, a legislative office is required to respond to a request for a record as soon as reasonably possible, but no later than 10 business days after receiving the request (Policies, Section 2.1(2)(a)). If the person submitting the request demonstrates that the record request benefits the public rather than the person, the time for responding is as soon as reasonably possible, but no later than five business days after the legislative office receives the written request (Policies, Section 2.1(2)(a)). However, a legislative office may respond to a request later than the normal or expedited response time if an extraordinary circumstance exists (Policies, Section 2.1(3)). The following constitute extraordinary circumstances under the Policies:

- another legislative office or governmental entity is using the record;
 - the request is for a voluminous quantity of records;
 - the legislative office is currently processing a large number of records requests;
 - the request requires the legislative office to review a large number of records to locate the records requested;
 - the decision to release a record involves legal issues that require the legislative office to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law; or
 - segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing or computer programming.
- (Policies, Section 2.1(3)).

Additionally, if a record request is made during a general or special legislative session, the legislative office may respond as soon as reasonably possible but no later than 15 business days from the date of the request. (Policies, Section 2.1(5))

Fees

It often requires significant staff time to respond to a request for a record. This is due, in part, to the time it takes to review records to identify those that are responsive to the request, to redact information that is private, protected, or

controlled, if applicable, and to seek legal advice to ensure compliance with the requirements of the law. Because staff time is paid with tax revenue, the Legislature charges fees in order to recoup some of the cost to taxpayers. The general fee provisions of GRAMA do not apply to the Legislature (see Utah Code Section 63G-2-703). Instead, the Legislature has its own fee provisions relating to a request for records, as provided in the Policies. Staff time spent responding to a request is never billed higher than \$25 per hour, even if the employee is actually paid at a higher rate. Black and white copies are charged at a rate of 10 cents per copy. A list of other fees charged for records is available on the Legislature's website at: <http://le.utah.gov/documents/fees.htm>. A legislative office is authorized to fulfill a record request without charge under circumstances specified in the Policies (Policies, Section 2.2(2)), but fulfilling a record request without charge is rare. To request that a record request be fulfilled without charge, you must complete and submit a Request to Have a Record Request Fulfilled Without Charge form, available on the Legislature's website.

Appeals

A decision to deny access to a record, or a decision claiming extraordinary circumstances, which allows additional time to respond, may be appealed pursuant to the appeals process as provided in the Policies.

The appeals process for the legislative branch is different than the process followed by other governmental entities. A person may appeal a legislative office's access determination by filing a notice of appeal with the appropriate legislative officer within 30 calendar days after the determination. For an appeal of a legislative office's claim of extraordinary circumstances, the notice of appeal must be filed within 30 calendar days after the day on which written notification of a claim of extraordinary circumstances is issued.

A determination of the appropriate legislative officer may be appealed to the Legislative Records Committee by filing a notice of appeal with the director of the Office of Legislative Research and General Counsel within 30 calendar days after the determination by the appropriate legislative officer (for an appeal challenging the claim of extraordinary circumstances, the notice of appeal must be filed within 45 calendar days after the original request for records is submitted).

An order by the Legislative Records Committee may be appealed by petitioning the district court within 30 calendar days after the Legislative Records Committee's order.

The Legislature's appeals process is described in full in the Policies.