

**MINUTES OF THE  
GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**

Tuesday, May 17, 2005 – 1:30 p.m. – Room W125 House Building

**Members Present:**

Sen. David L. Thomas, Senate Chair  
Rep. Douglas C. Aagard, House Chair  
Sen. Fred J. Fife  
Sen. Brent H. Goodfellow  
Sen. Parley Hellewell  
Sen. Mark B. Madsen  
Rep. Glenn A. Donnelson  
Rep. Craig A. Frank  
Rep. Neil A. Hansen  
Rep. Ann W. Hardy

Rep. David L. Hogue  
Rep. Fred R. Hunsaker  
Rep. Carol Spackman Moss

**Members Absent:**

Rep. Carl W. Duckworth

**Staff Present:**

Mr. Benjamin N. Christensen, Policy Analyst  
Mr. Eric N. Weeks, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of related materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the task force secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the task force secretary.

**1. Task Force Business**

Chair Aagard called the meeting to order at 1:32 p.m. The task force members and staff introduced themselves. The cochairs explained the task force objectives.

Rep. Frank distributed articles from The Salt Lake Tribune and The Daily Universe regarding the Government Records Access and Management Act.

**2. Introduction to the Government Records Access and Management Act (GRAMA)**

Mr. Christensen distributed and made a slide presentation titled "Government Records Access and Management Act Overview of Title 63, Chapter 2 Utah Code Annotated."

The Task Force conveyed questions and concerns about GRAMA, including whether e-mail is considered a record.

Ms. Betsy Ross, member, State Records Committee, indicated that the committee averages two to three hearings for appeals per month. She stated that political subdivision appeals can be brought to the State Records Committee.

**3. History of Legislative Changes to GRAMA**

Mr. Weeks distributed and reviewed "Selected Legislative History of the Government Records Access and Management Act" and "GRAMA Legislation Passed in the 2005 General Session."

#### **4. Identification of Key GRAMA Task Force Issues**

The Task Force discussed "Assigned GRAMA Issues" as distributed prior to the meeting. Mr. Christensen and Mr. Weeks explained each item to the Task Force.

Task force members provided comments on each item, including expressing concern for possible identity theft using government records from various sources.

Ms. Sue Player expressed concern regarding the implications of marital status in GRAMA records.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, raised questions and concerns on providing electronic discs to comply with GRAMA, using GRAMA requests for discovery at the court level, and collecting costs for monitoring the inspection of records.

Mr. Gary Ott, Salt Lake County Recorder, suggested that the Task Force consider whether GRAMA allows access to seeing records or owning records. He said that everyone should pay fair market value for a property which they will own. He stated that data is a real property. He indicated that, in a database such as provided at the county recorder's office, there is no expectation of privacy. He stated that individuals pay to have the record created and that the record should not be redacted for that very matter.

Ms. Terry Ellis, County Records Manager, Salt Lake County, expressed concern for maintaining electronic records (i.e., e-mail, voice mail, instant messenger), subsidizing commercial enterprises, and supplying redacting services for records which contain personal information.

Mr. Joel Campbell, Society of Professional Journalists and Utah Press Association, expressed appreciation for the ability to obtain information in specific formats, under certain conditions. He concurred that the relationship of e-mail documents to GRAMA needs to be clarified in statute. He stated that the Task Force should consider that the First Amendment provides the public access rights to some judicial records.

Rep. Frank indicated that the Task Force may need to consider a role of educating state agencies on the provisions of GRAMA.

Mr. Morris Haggerty, City Senior Attorney, Salt Lake City, asked that the Task Force, in its studies, answer the questions: Does litigation supercede GRAMA? Are copyrighted materials such as building plans subject to GRAMA? Which city ordinances must mirror state law? Should police records of ongoing criminal investigations be protected? What is the timing of identifying business confidentiality of a record? What is the appropriate board membership for deciding GRAMA requests?

Mr. Jeff Peterson, State Relations Representative, Explore Information Services, distributed and reviewed "Explore Information Services Company Overview." Mr. Gary Thorup, Holme Roberts & Owen, responded to questions from the Task Force about manipulation of records and the cost of those records.

Ms. Kate Black, Town Clerk, Alta, requested that the Task Force consider changing the makeup of the membership of the State Records Committee and allowing fees be assessed for the staff time spent overseeing individuals who are reviewing GRAMA records.

Ms. Joyceland Straight suggested that an agency should notify requesters of the approval of a request as well as the denial. She stated that there is a lack of access for listening to a recording before you decide to buy it. She stated that there needs to be training of state workers on GRAMA. She expressed concern for documents, which are being discussed in open meetings, that the public is being denied access to because those documents are works in progress or classified as temporary records.

Ms. Betsy Wolfe, Salt Lake Community Action Program, explained that she served on the task force which worked to create GRAMA and that part of the complexity of GRAMA is that it must balance the privacy of individuals or confidentiality rights of businesses with the right of access to the public. She explained the criteria used to establish GRAMA included providing consistent systematic framework for the request process, materials in a means that is suitable to the public use, fair access to records by all individuals, definition and categorization of records that are uniform, and encouragement of commerce.

#### **5. Other Items / Adjourn**

The next meeting is scheduled for Tuesday, June 14, 2005 at 1:30 p.m.

**MOTION:** Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Sen. Goodfellow absent for the vote.

Chair Aagard adjourned the meeting at 4:11 p.m.