

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

Tuesday, September 20, 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. Carl W. Duckworth
Rep. Craig A. Frank
Rep. Neil A. Hansen

Rep. Ann W. Hardy
Rep. David L. Hogue
Rep. Carol Spackman Moss

Members Absent:

Rep. Fred R. Hunsaker

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, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Task Force Business

Chair Thomas called the meeting to order at 1:32 p.m. Rep. Hunsaker was excused from the meeting.

MOTION: Rep. Donnelson moved to approve the minutes of the July 19, 2005 meeting. The motion passed unanimously with Sen. Fife, Rep. Frank, and Rep. Moss absent for the vote.

2. Government Data Compilations, Fees Above Costs for Data, and Privacy Rights for Data for Commercial and Noncommercial Purposes

Mr. Christensen explained the handout titled "Potential GRAMA and Data Manipulation and Fee Principles II" as distributed prior to the meeting.

Mr. Chris Purcell, State Farm Insurance, explained that the Government Records Access and Management Act now classifies driving records as "private" which restricts insurance companies from determining the undisclosed drivers in a household. He indicated that Utah does not insure individuals, but vehicles in a household. A licensed driver is covered while driving a motor vehicle that is insured, even if that individual is not paying for motor vehicle insurance. He stated that drivers who are paying for motor vehicle insurance are paying increased costs to assist in covering the costs of insuring the undisclosed drivers in a household. He responded to questions from the Task Force.

Mr. Randy Campbell, Records Officer, Utah Driver License Division, explained that the division releases driver records classified as "private" under the Driver Privacy Protection Act that provides fourteen permissible uses of a driver record, including insurance underwriting.

Mr. Jeff Peterson, State Relations Representative, Explore Information Services, indicated that his company does not presently do business in Utah because of the restrictions in GRAMA and stated that principle 1 of the handout would continue to place burdensome restrictions on his business.

Mr. Joel Campbell, Utah Press Association and Society of Professional Journalists, expressed concern about changing the presumption that a record is open unless proven otherwise to the record being closed unless proven otherwise. He responded to questions from the Task Force.

Mr. Gary Ott, Salt Lake County Recorder, explained the purpose and process of collecting property records in his office. He indicated that manipulating data under GRAMA requests could become an onerous task. He responded to questions from the Task Force.

Mr. Randy Covington, Utah County Recorder, stated that county recorders are required by law to maintain eleven indexes that are available on the recorder's Web site. He stated that the indexes are available to the public and his office does not manipulate data from those indexes. He responded to questions from the Task Force.

Mr. Paul Newton, Utah Land Title Association, spoke against principle 1 of the handout and in favor of allowing manipulation of data by government. He expressed concern for the effect on the viability of companies that use the data to make business decisions that restricting the manipulation or access would create. He responded to questions from the Task Force.

Task force members discussed whether government should be required or allowed to manipulate data for purchase and at what cost (actual vs. fair market value).

Ms. Christy Henshaw spoke against government agencies being allowed to manipulate data.

3. Amendments to Government Records Access and Management Act (Draft legislation)

Mr. Weeks distributed and reviewed draft legislation titled "Amendments to Government Records Access and Management Act." He responded to questions from the Task Force.

Task force members discussed the probability and burden of redacting Social Security numbers from all public records.

Mr. Ott suggested the redaction of Social Security numbers should be provided if the entity possessing the record requires the Social Security number for its records.

Ms. Masuda Metcalf, Department of Commerce, stated that it would be extremely burdensome to review every record that is requested.

Mr. Joel Campbell indicated that *Utah Code Annotated*, sec. 62-3-301 requires specific records that would be classified as "private" under GRAMA to be made public, such as information on licensees. He questioned the classification of a document which would classify information as public comment rather than public policy discussion for information concerning communications to a legislative body.

Chair Thomas explained that the draft legislation would not be acted on until the next meeting to allow time to review the legislation in preparation for that meeting. He said at least two other pieces of

legislation will be prepared and presented at the next meeting as well on (1) data manipulation and privacy, based on the July and September meeting discussions and (2) appeals process and nuisance requests.

4. Other Items / Adjourn

The next meeting is scheduled for Tuesday, October 18, 2005 at 1:30 p.m.

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

Chair Thomas adjourned the meeting at 3:59 p.m.