

1 **Legislative Management Committee Policy L. Legislative Records**

2 Adopted December 16, 2020
3 Amended X, 2021 (11-18-21 draft)

4
5 **Part 1. General Provisions**

6
7 **Section L-101. Basis of policy -- Superseding previous policies.**

8 (1) This policy is adopted pursuant to Utah Code Section 63G-2-703, which broadly
9 gives the Legislature, through the Legislative Management Committee, authority to establish
10 policies relating to "requests for classification, designation, fees, access, denials,
11 segregation, appeals, management, retention, and amendment of records" and to establish
12 "an appellate board to hear appeals from denials of access."

13 (2) This policy supersedes and replaces the Utah Legislature Policies and Procedures
14 for Handling Records Requests and any other previous policy relating to legislative records.

15
16 **Section L-102. Definitions.**

17 As used in this policy:

18 (1)(a) "Accepted record request" means a record request:

19 (i) that is not rejected under Section L-203 or L-205; and

20 (ii) for which the requester has paid the applicable filing fee, if the record request is an
21 out-of-state request or ~~a repeat~~ an over-the-threshold request.

22 (b) "Accepted record request" does not include a record request that a legislative
23 office is not required to respond to or fill under GRAMA or this policy.

24 (2)(a) "Access denial" means a legislative office's denial of access to a record:

25 (i) based on the record's classification as private, controlled, or protected; or

26 (ii) because access to the record is limited pursuant to a court order or rule, another
27 state statute, or federal statute or regulation.

28 (b) "Access denial" does not include:

29 (i) a legislative office's failure to provide access to a record because:

30 (A) the legislative office does not retain the record;

31 (B) the legislative office does not retain a record that is responsive to the request; or

32 (C) under GRAMA or this policy, the legislative office is not required to respond to or

33 fill the record request;

34 (ii) the rejection of a record request under Section L-203 or L-205;

35 (iii) a legislative office's not accepting a record request under Subsection L-203(3)

36 because the record request is not accompanied by the applicable filing fee; or

37 ~~[(iii)]~~ (iv) the denial of a fee waiver request.

38 (3) "Business day" means a day other than Saturday, Sunday, or a state or federal
39 holiday.

40 (4) "Chief officer" means:

41 (a) for the Utah Senate, the president of the Senate or the president's designee;

42 (b) for the Utah House of Representatives, the speaker of the House of

43 Representatives or the speaker's designee;

44 (c) for the Office of Legislative Research and General Counsel, the director of the
45 Office of Legislative Research and General Counsel or the director's designee;

46 (d) for the Office of the Legislative Fiscal Analyst, the Legislative Fiscal Analyst or the
47 Legislative Fiscal Analyst's designee;

48 (e) for the Office of the Legislative Auditor General, the Legislative Auditor General or
49 the Legislative Auditor General's designee; or

50 (f) for a legislative staff office providing service to the legislative branch, other than an
51 office listed in Subsection (4)(c), (d), or (e), the individual designated jointly by a
52 representative from each of the other legislative offices.

53 (5) "Complimentary time" means staff time that a legislative office:

54 (a) spends in responding to an in-state request; and

55 (b) does not charge a fee for, consistent with the fee schedule attached to this policy
56 as Appendix B.

57 (6) "Confidential business record" means a record:

58 (a) described in Utah Code Subsection 63G-2-305(1) or (2);

59 (b) for which a legislative office receives a written statement as provided in Subsection
60 L-103(2); and

61 (c) that the legislative office classifies as protected.

62 (7) "Controlled" means a classification given to a record based on Utah Code Section
63 63G-2-304.

64 (8) "Effective filing date" is the date on which a record request that is not rejected

65 under Section L-203 or L-205 is received by the records coordinator.

66 (9) "Fee waiver denial override request" means a request under Subsection L-302(9)
67 asking for the denial of a fee waiver request to be overridden.

68 (10) "Fee waiver request" means a request under Section L-302 for the waiver of a
69 response fee.

70 (11) "Governmental entity" means the same as that term is defined in Section
71 63G-2-103.

72 (12) "GRAMA" means Utah Code Title 63G, Chapter 2, Government Records Access
73 and Management Act.

74 (13) "Individual" means a human being.

75 (14) "In-state request" means a record request submitted by an in-state resident.

76 (15) "In-state resident" means a person:

77 (a) who, if an individual, is a legal resident of the state or is domiciled in the state; or

78 (b) that, if a person other than an individual, has its principal place of business or
79 principal operations in the state.

80 (16)(a) "Legislative office" means:

81 (i) the Utah Senate;

82 (ii) the Utah House of Representatives;

83 (iii) the Office of Legislative Research and General Counsel;

84 (iv) the Office of the Legislative Fiscal Analyst;

85 (v) the Office of the Legislative Auditor General; or

86 (vi) any other legislative staff office providing service to the legislative branch.

87 (b) "Legislative office" does not include:

88 (i) a political party, group, or caucus; or

89 (ii) a rules or sifting committee of the Legislature.

90 (17) "Legislative Records Committee" means a committee comprised of the president
91 and minority leader of the Utah Senate and the speaker and minority leader of the Utah
92 House of Representatives.

93 (18)(a) "Media outlet" means a bona fide newspaper, magazine, or broadcast media
94 enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of
95 providing news and information to the general public.

96 (b) "Media outlet" does not include a blog, podcast, social media account, or other

97 means of mass communication generally available to a member of the public.

98 (19) "Over-the-threshold request" means an in-state request submitted by a person,
99 other than a Utah media outlet or an individual employed by and acting on behalf of a Utah
100 media outlet, to a legislative office:

101 (a) in a calendar month during which the person has already submitted two record
102 requests to that legislative office; or

103 (b) in a calendar year during which the person has already submitted six record
104 requests to that legislative office.

105 ~~[(19)]~~ (20) "Out-of-state request" means a record request submitted by a person
106 other than an in-state resident.

107 ~~[(20)]~~ (21) "Person" means the same as that term is defined in Utah Code Section
108 63G-2-103.

109 ~~[(21)]~~ (22) "Private" means a classification given to a record based on Utah Code
110 Section 63G-2-303 or 63G-2-304.

111 ~~[(22)]~~ (23) "Protected" means a classification given to a record based on Utah Code
112 Section 63G-2-305 or other applicable law.

113 ~~[(23)]~~ (24) "Public" means a classification given to a record:

114 (a) that is not classified as controlled, private, or protected; and

115 (b) access to which is not limited pursuant to a court order or rule, another state
116 statute, or federal statute or regulation.

117 ~~[(24)]~~ (25) "Record" means the same as that term is defined in Utah Code Section
118 63G-2-103.

119 ~~[(25)]~~ (26) "Record request" means a written request seeking access to a record.

120 ~~[(26)]~~ (27) "Record request nonresponse" means a records coordinator's lack of
121 response to ~~[a]~~ an accepted record request within the time provided in Subsection L-204(2).

122 ~~[(27)]~~ (28) "Records coordinator" means:

123 (a) an individual designated by the Legislative Management Committee to perform the
124 functions and duties of the records coordinator under this policy, if the Legislative
125 Management Committee designates an individual to perform those functions and duties for
126 all legislative offices; or

127 (b) an individual designated for each legislative office by that legislative office's chief
128 officer to perform the functions and duties of the records coordinator under this policy, if the

129 Legislative Management Committee does not designate an individual to perform those
130 functions and duties for all legislative offices.

131 ~~[(28) "Repeat request" means an in-state request submitted by a person, other than a~~
132 ~~media outlet or an individual employed by and acting on behalf of a media outlet, to a~~
133 ~~legislative office:~~

134 ~~—— (a) in a calendar month during which the person has already submitted two record~~
135 ~~requests to that legislative office; or~~

136 ~~—— (b) in a calendar year during which the person has already submitted six record~~
137 ~~requests to that legislative office.]~~

138 (29) "Requester" means a person who submits a record request to a records
139 coordinator as provided in this policy.

140 (30) "Response fee" means the total of all fees described in Appendix B that a
141 legislative office is authorized or required to charge a requester for responding to a record
142 request, other than a filing fee described in Appendix B for ~~[a-repeat]~~ an over-the-threshold
143 request or out-of-state request.

144 (31) "Review officer" means:

145 (a) an individual designated by the Legislative Management Committee to review
146 access denials, record request nonresponses, and fee waiver denial override requests for all
147 legislative offices, if the Legislative Management Committee designates an individual to
148 perform those functions for all legislative offices; or

149 (b) an individual designated for each legislative office by that legislative office's chief
150 officer to review access denials, record request nonresponses, and fee waiver denial
151 override requests for that legislative office, if the Legislative Management Committee does
152 not designate an individual to perform those functions for all legislative offices.

153 (32) "Review request" means a request described in Section L-401 seeking review of
154 a records coordinator's access denial or a record request nonresponse as part of an overall
155 appeal process.

156

157 **Section L-103. Record classification.**

158 (1)(a) A legislative office is not required to classify a record before receiving and
159 responding to an accepted record request for that record.

160 (b) As provided in GRAMA and this policy, a legislative office may classify a record as

161 public, private, controlled, or protected.

162 (2)(a) A legislative office classifies or reclassifies a record through the legislative
163 office's records coordinator, review officer, or chief officer, as provided in this Subsection (2).

164 (b) Upon receiving a record request, a records coordinator may classify a record on
165 behalf of the legislative office to which the record request was submitted.

166 (c) A review officer may:

167 (i) classify a record that is the subject of a review request, if the records coordinator
168 has not previously classified the record; or

169 (ii) ~~[change the classification of]~~ reclassify a record that is the subject of the review
170 request, if the records coordinator has previously classified the record.

171 (d)(i) A chief officer may classify or reclassify, or may direct a records coordinator or
172 review officer to classify or reclassify, a record on behalf of the chief officer's legislative office
173 at any time.

174 (ii) A chief officer's classification or reclassification of a record supersedes a
175 classification of the record made by a records coordinator or review officer.

176 (3) A legislative office may classify a record as protected under Utah Code Subsection
177 63G-2-305(1) or (2) if the person from whom the legislative office receives the record
178 provides with the record a written statement:

179 (a) that identifies the record as a trade secret or commercial or nonindividual financial
180 information under Utah Code Subsection 63G-2-305(1) or (2);

181 (b) that includes a concise explanation of the reasons supporting the statement that
182 the record is a trade secret or commercial or nonindividual financial information under Utah
183 Code Subsection 63G-2-305(1) or (2);

184 (c) in which the person:

185 (i) releases the Legislative Records Committee, the Utah Legislature, and all
186 members, staff, and employees of the Utah Legislature from any and all responsibility,
187 claims, liability, and damages resulting or arising from a release of the record under
188 Subsection L-505(1)(b)(iii);

189 (ii) covenants not to sue or otherwise assert a claim against the Legislative Records
190 Committee, the Utah Legislature, or any member, staff, or employee of the Utah Legislature
191 if the suit or claim is based in any way on a release of the record under Subsection L-
192 505(1)(b)(iii); and

193 (iii) agrees to protect, defend, and indemnify the legislative office that retains the
194 record, the Utah Legislature, and all members, staff, and employees of the Utah Legislature
195 from and against any claims, liability, or damages resulting or arising from a denial of access
196 to the record as a protected record.

197 (4) A legislative office may classify a draft of legislation as a protected record based
198 on its status as a draft even though the sponsor makes or directs the making of a limited
199 distribution of the draft for the purpose of allowing review of and receiving comment on the
200 draft as part of the sponsor's deliberative process in connection with the preparation of
201 legislation.

202 (5) A legislative office may classify as private, controlled, or protected information
203 contained in a record otherwise classified as public if the information reveals the content of a
204 record classified as private, controlled, or protected.

205 (6)(a) Subject to Subsection (6)(b), the Legislative Records Committee may reclassify
206 a record that is the subject of an appeal under Part 5, Appeal to Legislative Records
207 Committee.

208 (b)(i) The Legislative Records Committee may reclassify a confidential business
209 record as public only with the approval of the person who submitted the record.

210 (ii) Subsection (6)(b)(i) does not prevent the Legislative Records Committee from
211 releasing a confidential business record as provided in Subsection L-505(1)(b)(iii).

212

213 **Section L-104. Record retention.**

214 (1) The retention schedule attached as Appendix A is incorporated into this policy and
215 governs a legislative office's retention and disposal of records, subject to the allocation of
216 retention responsibility under Subsection (3).

217 (2)(a) A specified period of time provided for a record in the retention schedule means
218 that a legislative office:

219 (i) is required to retain the record for the specified period of time; and

220 (ii) may dispose of the record after the expiration of that period of time.

221 (b) A legislative office:

222 (i) is not required to dispose of a record upon the expiration of the specified period of
223 time provided for that record in the retention schedule; and

224 (ii) may continue to retain the record for as long as the legislative office has an

225 administrative need for the record.

226 (3)(a) Staff representing each legislative office shall consult together and allocate
227 responsibility and implement any protocol or process necessary to ensure the retention of
228 records according to the retention schedule.

229 (b) The allocation of responsibility and implementation of a protocol or other process
230 under Subsection (3)(a) shall take into account the role of the Division of Archives under
231 Utah Code Section 63A-12-102.

232 (4) Retention of a record may be by any means, including electronic, that allows
233 access to and retrieval of the record in essentially its original format.

234

235 **Section L-105. When a record request, fee waiver denial override request,**
236 **review request, or notice of appeal is considered submitted and received -- Amended**
237 **requests or notices of appeal.**

238 (1) As used in this section:

239 (a) "Applicable filing" means a record request, fee waiver denial override request,
240 review request, or notice of appeal.

241 (b) "Relevant officer or committee" means:

242 (i) with respect to a record request, the records coordinator;

243 (ii) with respect to a fee waiver denial override request, the review officer;

244 (iii) with respect to a review request, the review officer; and

245 (iv) with respect to a notice of appeal, the Legislative Records Committee.

246 ~~[(1)]~~ (2) Subject to Subsection ~~[(3), a record request, review request, or notice of~~
247 ~~appeal]~~ (4), an applicable filing is considered submitted on the day the ~~[record request,~~
248 ~~review request, or notice of appeal]~~ applicable filing is received by the ~~[records coordinator,~~
249 ~~review officer, or Legislative Records Committee, respectively]~~ relevant officer or committee
250 .

251 ~~[(2)]~~ (3) (a) If a person submits ~~[a record request, review request, or notice of appeal]~~
252 an applicable filing and later submits an amended ~~[record request, review request, or notice~~
253 ~~of appeal, respectively]~~ applicable filing, the ~~[record request, review request, or notice of~~
254 ~~appeal]~~ applicable filing is considered submitted on the day the amended ~~[record request,~~
255 ~~review request, or notice of appeal]~~ applicable filing is received by the ~~[records coordinator,~~
256 ~~review officer, or Legislative Records Committee, respectively]~~ relevant officer or committee

257 , subject to Subsection ~~[(3)]~~ (4).

258 (b)(i) An amended record request is invalid and without effect and may be disregarded
259 by the records coordinator if ~~[the records coordinator receives]~~ the amended record request
260 is submitted after the records coordinator has, under Section L-204, responded in writing to
261 the accepted record request sought to be amended, granting or denying the record request
262 or indicating that the legislative office does not retain any records that are responsive to the
263 record request.

264 (ii) An amended review request received after the review officer has provided a written
265 response under Section L-402 to the review request sought to be amended is invalid and
266 without effect and may be disregarded by the review officer.

267 (iii) An amended notice of appeal received after the Legislative Records Committee
268 has issued a statement under Section L-505 on the appeal that is the subject of the notice of
269 appeal sought to be amended is invalid and without effect and may be disregarded by the
270 Legislative Records Committee.

271 ~~[(3)]~~ (4) An initial or amended ~~[record request, review request, or notice of appeal]~~
272 applicable filing submitted on a day that is not a business day or after 5:00 p.m. on a
273 business day is considered to be ~~[received]~~ submitted on the next business day.

274

275 **Part 2. Record Requests**

276

277 **Section L-201. Written record request -- Exception.**

278 (1) A legislative office may provide a person access to a record as provided in this
279 policy only if the person submits a written request to the legislative office requesting access
280 to the record.

281 (2) Notwithstanding Subsection (1), a legislative office may provide a person access to
282 a public record without a written request if:

283 (a) the record:

284 (i) was previously distributed publicly at a legislative meeting;

285 (ii) is a notice, agenda, or other material relating to a legislative meeting, routinely
286 published or made publicly available by a legislative office; or

287 (iii) has already been generally distributed to the public at large; or

288 (b) the chief officer of the legislative office concludes that the legislative office's

289 convenience and efficiency are best served by providing access to the record without a
290 written request.

291 (3) Nothing in this policy may be construed to limit the routine sharing of documents
292 and information in the normal course of business conducted by the legislative office.

293

294 **Section L-202. Record request requirements.**

295 (1) A record request shall:

296 (a) be submitted on a form approved and made available by the legislative office;

297 (b) contain:

298 (i) the name~~;~~ and mailing address~~[-and daytime telephone number]~~ of the
299 requester;

300 (ii) if the record request is submitted by an entity, the name of the entity's contact
301 individual;

302 (iii) the daytime telephone number of the requester or, if the record request is
303 submitted by an entity, the daytime telephone number of the entity's contact individual; and

304 ~~[(ii)]~~ (iv) the email address of the requester or, for a record request submitted by an
305 entity, the email address of the entity's contact individual, if the requester indicates that the

306 requester is willing to accept communications regarding the record request by email; and

307 ~~[(iii) a description of the record requested that identifies the record with reasonable~~
308 ~~specificity; and]~~

309 (c) specify the legislative office that the requester believes to be the office that retains
310 the record.

311 (2)(a) A legislative office shall require a person submitting a record request that the
312 person intends to be an in-state request to certify that the person:

313 (i) is an in-state resident; and

314 (ii) submits the record request on the person's own behalf and not on behalf of or for a
315 person who is not an in-state resident.

316 (b) A record request that does not contain the certification under Subsection (2)(a) is
317 considered to be an out-of-state request.

318 (3) (a) A record request shall contain a description of the record requested that
319 identifies the record with reasonable specificity.

320 (b) The requirement of reasonable specificity under Subsection ~~[(1)(b)(iii)]~~ (3)(a) is

321 not met if the records coordinator is unable to readily determine from the face of the record
322 request the record being requested.

323

324 **Section L-203. Rejecting a record request -- Timeline -- Failure to pay filing fee.**

325 (1)(a) A records coordinator may reject a record request that does not comply with the
326 requirements of Subsection L-202(1).

327 (b) If a records coordinator rejects a record request under Subsection (1)(a), the
328 records coordinator shall notify the requester in writing of the rejection and the reason for the
329 rejection.

330 (c)(i) A record request is considered to have complied with the requirements of
331 Subsection L-202(1) at the time the records coordinator received the record request if the
332 records coordinator does not notify the requester of the rejection under Subsection (1)(a)
333 within:

334 (A) three business days after the records coordinator receives the record request, if
335 the response time under Subsection L-204(2)(a)(i)(A) applies, or six business days after the
336 records coordinator receives the record request, if the response time under Subsection L-
337 204(2)(a)(i)(B) applies; or

338 (B) a period of time that is longer than the period described in Subsection (1)(c)(i)(A),
339 if the requester and records coordinator agree to the longer period of time.

340 (ii) Subsection (1)(c)(i) does not apply to a record request that a legislative office is not
341 required to respond to or fill under GRAMA or this policy.

342 (2)(a) A records coordinator may reject a record request that does not comply with the
343 reasonable specificity requirement of Subsection L-202(3).

344 (b) If a records coordinator rejects a record request under Subsection (2)(a), the
345 records coordinator shall, within the same time limit that applies to a response to an
346 accepted record request under Section L-204, notify the requester in writing of the rejection
347 and the reason for the rejection.

348 ~~(2)~~ (3) (a) A legislative office may not accept an out-of-state request or ~~[a-repeat]~~ an
349 over-the-threshold request unless the record request is accompanied by the applicable filing
350 fee.

351 (b) If a legislative office is unable to accept a record request under Subsection ~~(2)~~
352 (3) (a), the records coordinator shall promptly notify the requester:

353 (i) that the legislative office is unable to accept the record request because of the
354 requester's failure to pay the applicable filing fee; and

355 (ii) of the amount of the applicable filing fee.

356 (c) A requester is considered to have withdrawn the requester's record request if the
357 requester fails to pay the applicable filing fee within 10 business days after the records
358 coordinator notifies the requester under Subsection ~~[(2)]~~ (3)(b) of the filing fee.

359

360 **Section L-204. Response to record request -- Record request nonresponse.**

361 (1) A records coordinator shall respond in writing to an accepted record request as
362 soon as reasonably possible, but no later than the time period described in this section.

363 (2)(a) The time for a response under Subsection (1) is:

364 (i)(A) five business days after the effective filing date, if the requester requests an
365 expedited response and adequately demonstrates that an expedited response benefits the
366 Utah public rather than the requester; or

367 (B) except as provided in Subsection (2)(a)(i)(A), 10 business days after the effective
368 filing date;

369 (ii) the applicable period described in Subsection (3)~~[(c)]~~ (d), if ~~[one of the~~
370 ~~circumstances described in]~~ Subsection (3)(a) applies; or

371 (iii) a period different than the period described in Subsection (2)(a)(i) or (ii) if the
372 requester and records coordinator agree to the different period of time.

373 (b)(i) A records coordinator shall determine whether, in the records coordinator's
374 reasonable judgment, a requester that has requested an expedited response under
375 Subsection (2)(a)(i)(A) has adequately demonstrated that an expedited response benefits the
376 Utah public rather than the requester.

377 (ii) A requester's declaration that an expedited response benefits the Utah public
378 rather than the requester does not alone make the demonstration of public benefit required
379 to support an expedited response under Subsection (2)(a)(i)(A).

380 (iii) An expedited response under Subsection (2)(a)(i)(A) is presumed to benefit the
381 Utah public rather than the requester if the requester is seeking access to the requested
382 record for a time-sensitive story or time-sensitive report that the requester is working on for
383 a publication or broadcast to the general public by a Utah media outlet.

384 (iv) A records coordinator's determination under this Subsection (2)(b) is final.

385 (3)(a) A records coordinator may respond to [a] an accepted record request after the
386 time period specified in Subsection (2)(a)(i) but within the time period specified in Subsection
387 (3)[(e)] (d) if the records coordinator determines that a circumstance prevents the records
388 coordinator from responding within the time specified in Subsection (2)(a)(i).

389 (b) A circumstance under Subsection (3)(a) may include when :

390 (i) another governmental entity is using the requested record;

391 (ii)(A) another governmental entity is using the requested record as part of an audit;

392 and

393 (B) returning the record before the completion of the audit would impair the conduct of
394 the audit;

395 (iii) the request is for a voluminous quantity of records;

396 (iv) the requester has submitted multiple record requests within five working days of
397 each other seeking a substantial number of records;

398 (v) the legislative office is currently processing a large number of record requests;

399 (vi) responding to the record request requires the legislative office to review a large
400 number of records to locate the records requested;

401 (vii) the decision to provide access to a record involves a legal issue that requires the
402 legislative office to seek legal counsel for the analysis of statute, rule, ordinance, regulation,
403 or case law; or

404 (viii) segregating information to which the requester is entitled to have access from
405 information to which the requester is not entitled to have access requires:

406 (A) extensive redacting or editing; or

407 (B) computer programming.

408 [(b)] (c) If a records coordinator relies on Subsection (3)[(a)] (b) (i) or (ii) for

409 additional time to respond to [a] an accepted record request, the records coordinator shall
410 promptly request the other governmental entity to return the record:

411 (i) within five business days, for a record under Subsection (3)[(a)] (b) (i); or

412 (ii) as soon as the governmental entity no longer needs the record for audit purposes,
413 for a record under Subsection (3)[(a)] (b) (ii).

414 [(e)] (d) If [~~a circumstance described under~~] Subsection (3)(a) applies, a records
415 coordinator shall respond to the record request:

416 (i) within five business days after the legislative office receives the record from the

417 other governmental entity, for a circumstance described in Subsection (3)~~[(a)]~~ (b) (i) or (ii);
418 or

419 ~~[(ii) as soon as reasonably possible, for a circumstance described in Subsection~~
420 ~~(3)(a)(iii), (iv), (v), (vi), or (viii)(B); or]~~

421 ~~[(iii)]~~ (ii) except as provided in Subsection (3)(d)(i):

422 (A) for a record request to which an expedited response time applies, within five
423 business days after the expiration of the time specified in Subsection (2)(a)(i)~~[, for a~~

424 ~~circumstance described in Subsection (3)(a)(vii) or (viii)(A)]~~ (A); or

425 (B) for any other record request, within 10 business days after the expiration of the
426 time specified in Subsection (2)(a)(i)(B) .

427 ~~[(d)]~~ (e) If ~~[a records coordinator relies on one of the circumstances described in]~~

428 Subsection (3)(a) ~~[for additional time to respond to a record request]~~ applies, the records

429 coordinator shall, within the time specified in Subsection (2)(a)(i) ~~[or (iii)]~~, notify the requester
430 in writing:

431 (i) that~~[, because of one of the circumstances described in Subsection (3)(a);]~~ the
432 records coordinator will not respond to the record request within the time specified in
433 Subsection (2)(a)(i);

434 (ii) of the circumstance that the records coordinator relies on for additional time to
435 respond; and

436 (iii) of the estimated date the records coordinator anticipates responding to the record
437 request~~[, if the circumstance relied on is a circumstance described in Subsection (3)(a)(iii);~~
438 ~~(iv), (v), (vi), or (viii)(B)].~~

439 (4) A records coordinator shall:

440 (a) deny an accepted record request if and to the extent that:

441 (i) the record to which access is sought is classified by the legislative office as private,
442 controlled, or protected; or

443 (ii) access to the record is limited pursuant to a court order or rule, another state
444 statute, or federal statute or regulation; or

445 (b) subject to the requirements of GRAMA and this policy, grant an accepted record
446 request and provide access to the requested record if and to the extent that the record to
447 which access is sought is classified by the legislative office as public.

448 (5) A records coordinator shall:

449 (a) deny an accepted record request to the extent that the record request seeks
450 access to a confidential business record; and

451 (b) send the person from whom the legislative office received the confidential business
452 record a written notice informing the person of the record request and the records
453 coordinator's denial.

454 (6) If a records coordinator's written response includes an access denial, the response
455 shall:

456 (a) cite the provision of law that provides the basis for the classification of the record
457 as other than public;

458 (b) provide a brief summary description of the record to which access is denied,
459 without disclosing any information that would reveal the substantive content of the record;
460 and

461 (c) include information on the filing of a review request under Section L-401, including:

462 (i) the time limit for filing a review request; and

463 (ii) the name, business address, and business email address of the review officer.

464 (7) A records coordinator is considered to have not responded to an accepted record
465 request if the records coordinator does not respond to the request within the applicable time
466 specified in Subsection (2).

467 (8) The applicable time period described in Subsection (2) is suspended for a period
468 of time that:

469 (a) begins the day on which the records coordinator:

470 (i) sends notice of a response fee to the requester under Subsection L-301(3)(b); or

471 (ii) notifies a requester under Subsection L-301(5) of an additional response fee; and

472 (b) ends at the end of the day on which:

473 (i) the records coordinator receives payment of the response fee or additional
474 response fee, as applicable; or

475 (ii) the records coordinator or review officer grants a fee waiver request under Section
476 L-302 waiving the required response fee or additional response fee.

477
478 **Section L-205. Record received from another governmental entity.**

479 (1) A legislative office is considered not to have prepared and not to own or retain a
480 record that the legislative office receives from another governmental entity if:

481 (a) the record is not a communication between the other governmental entity and the
482 legislative office; and
483 (b)(i) the other governmental entity has classified the record with a classification other
484 than public and has notified the legislative office of that classification; or
485 (ii) the legislative office is uncertain of how the other governmental entity has classified
486 or would classify the record.

487 (2) If a legislative office receives a record request for a record described in Subsection
488 (1), the records coordinator shall:

489 (a) reject the record request; and
490 (b) inform the requester of the identity of the governmental entity from which the
491 legislative office received the record.

492

493 **Section L-206. Providing access to a record despite its classification as**
494 **protected.**

495 In response to a record request, a legislative office may provide access to a record
496 that a legislative office has classified as protected, other than a confidential business record,
497 if the chief officer of the legislative office that retains the record determines that the interests
498 favoring access are greater than or equal to the interests favoring a denial of access.

499

500 **Part 3. Fees for Responding to a Record Request**

501

502 **Section L-301. Fee required -- Exception.**

503 (1)(a) Subject to Subsection (1)(b), and in addition to any applicable filing fee required
504 under the fee schedule in Appendix B, a legislative office shall charge a requester a
505 response fee, according to the fee schedule in Appendix B, for responding to the requester's
506 record request.

507 (b) A legislative office may not charge a response fee for responding to an in-state
508 request if, in responding to the record request, the legislative office:

509 (i) does not spend staff time that exceeds complimentary time; and

510 (ii) will not incur any other costs or will incur only nominal costs.

511 (2)(a) The fee schedule in Appendix B is incorporated into this policy.

512 (b) The Office of Legislative Research and General Counsel shall adjust the amount of

513 the fee for staff time under Appendix B every five years based on changes in the chained
514 CPI and rounded to the nearest five dollars.

515 (3) If a legislative office charges a response fee, the legislative office shall:

516 (a) estimate the amount of the response fee; and

517 (b) notify the requester of the amount of the estimated response fee.

518 (4)(a) In estimating the amount of the response fee to charge a requester, a legislative
519 office may conduct or direct a preliminary search for and review of records to gain a general
520 understanding of the volume of records likely to be responsive to the record request and to
521 estimate the amount of staff time that will likely be required to identify, gather, classify, and
522 segregate records in response to the record request.

523 (b) A legislative office may include staff time spent in a preliminary search for and
524 review of records under Subsection (4)(a) in the calculation of the response fee to charge a
525 requester.

526 (5)(a) If the amount a requester pays pursuant to an estimated response fee under
527 this section is inadequate to cover the actual staff time spent and costs incurred responding
528 to a record request, a legislative office may, before continuing to work on responding to the
529 record request, require a requester to pay an additional response fee to cover the estimated
530 additional staff time and costs.

531 (b) If the estimated response fee a requester pays exceeds the amount needed to
532 cover actual staff time spent and costs incurred responding to a record request, the
533 legislative office shall promptly refund the excess response fee to the requester.

534 (6)(a) A requester is considered to have withdrawn the requester's record request if
535 the requester fails to pay the estimated response fee within:

536 (i) ~~20~~ 10 business days after the legislative office notifies the requester of the initial
537 estimated response fee under Subsection (3)(b); or

538 (ii) if later than the period specified in Subsection (6)(a)(i), 10 business days after, as
539 applicable:

540 (A) the denial of a fee waiver request under Section L-302; or

541 (B) a review officer declines to override the denial of a fee waiver request under
542 Subsection L-302(9).

543 (b) The records coordinator shall respond to the requester's record request and
544 provide access to public records to the extent practicable consistent with the amount of staff

545 time covered by the requester's response fee payment, if a requester fails to pay an
546 additional response fee under Subsection (5)(a) within:

547 (i) ~~[20]~~ 10 business days after the legislative office notifies the requester of the
548 additional response fee; or

549 (ii) if later than the period specified in Subsection (6)(b)(i), 10 business days after, as
550 applicable:

551 (A) the denial of a fee waiver request under Section L-302; or

552 (B) a review officer declines to override the denial of a fee waiver request under
553 Subsection L-302(9).

554 (7) If a legislative office determines that a person has falsely certified information
555 under Subsection L-202(2)(a)(i) or (ii), the legislative office may charge the person all fees in
556 Appendix B that are applicable to an out-of-state request for any record request submitted by
557 the person during the period that ends one year after the false certification.

558 (8) With respect to an action of a legislative office under this section, a legislative
559 office may act through:

560 (a) its records coordinator, in the context of the records coordinator's consideration of
561 a record request;

562 (b) its review officer, in the context of the review officer's consideration of a review
563 request of a record request nonresponse; or

564 (c) its chief officer.

565

566 **Section L-302. Fee waiver ~~[request]~~.**

567 (1) A records coordinator may grant a fee waiver request only as provided in this
568 section.

569 (2) A person who has submitted an accepted record request and has been charged a
570 response fee or additional response fee under Section L-301 may request a waiver of the
571 response fee or additional response fee by submitting to the records coordinator a written fee
572 waiver request.

573 (3) ~~(a)~~ A ~~[records coordinator may not consider and shall reject a fee waiver request~~
574 ~~unless the]~~ fee waiver request shall :

575 ~~[(a) is]~~ (i) be submitted:

576 ~~[(i)]~~ (A) separate from the accepted record request that is the subject of the response

577 fee for which a waiver is sought; and

578 ~~[(ii)]~~ (B) on a form that the legislative office approves and makes available; and

579 ~~[(b)-contains]~~ (ii) contain :

580 ~~[(i)]~~ (A) the name~~;~~ and mailing address~~[-and daytime telephone number]~~ of the

581 requester;

582 (B) if the fee waiver request is submitted by an entity, the name of the entity's contact
583 individual;

584 (C) the daytime telephone number of the requester or, if the requester is an entity, the
585 daytime telephone number of the entity's contact individual;

586 ~~[(iii)]~~ (D) the email address of the requester or, for a fee waiver request submitted by
587 an entity, the email address of the entity's contact individual , if the requester indicates that
588 the requester is willing to accept communications regarding the fee waiver request by email;

589 ~~[(iii)]~~ (F) a clear reference to the requester's record request that allows the records
590 request for which a fee waiver is being requested to be readily identified; and

591 ~~[(iv)]~~ (G) an explanation of the circumstances that the requester believes justify a
592 waiver of the response fee.

593 (b) A request for a waiver of a response fee or additional response fee that does not
594 comply with the requirements of Subsection (3)(a) is invalid and without effect.

595 (4) A fee waiver request that complies with the requirements of Subsection (3)(a) and
596 is submitted before the legislative office charges a response fee or additional response fee,
597 as the case may be, under Section L-301 is considered submitted on the day that the
598 legislative office notifies the requester of the amount of the estimated response fee or
599 additional response fee, respectively, under Section L-301.

600 (5) A records coordinator may partially or fully grant a fee waiver request and waive
601 some or all of a response fee or additional response fee only if the ~~[records coordinator~~
602 ~~determines]~~ requester demonstrates to the satisfaction of the records coordinator that:

603 (a) in light of all applicable circumstances ~~[known to the records coordinator]~~, requiring
604 the requester to pay the response fee or additional response fee would place an unusually
605 undue burden on the requester;

606 (b) the ~~[public]~~ benefit to the Utah public derived from responding to the accepted
607 record request and providing access to the requested records without payment of the
608 response fee or additional response fee substantially outweighs the interest in recovering

609 the response fee or additional response fee to cover some of the cost to the public of the
610 legislative office responding to the accepted record request; or

611 (c) there are other extraordinary circumstances justifying a waiver.

612 (6) A records coordinator's lack of response to a fee waiver request within five
613 business days after [receiving] the fee waiver request is submitted constitutes a denial of
614 the fee waiver request.

615 (7) A denial of a fee waiver request is not a denial of access to a record.

616 (8) Unless overridden by a review officer as provided in Subsection (9), a records
617 coordinator's denial of a fee waiver request stands and is final.

618 (9)(a) A requester whose fee waiver request has been denied may [ask a review
619 officer to override the denial by submitting] submit a written fee waiver denial override
620 request to the review officer within five business days after the denial of the fee waiver
621 request.

622 (b) [An] A fee waiver denial override request under Subsection (9)(a) is considered
623 declined and the denial of the fee waiver request stands unless the review officer overrides
624 the denial within five business days after the [review officer receives] the request is
625 submitted .

626 (c) After [receiving] a timely fee waiver denial override request is submitted under
627 Subsection (9)(a), a review officer may:

628 (i) override the denial and grant some or all of the fee waiver request, based on [a
629 determination as provided in] the requester's demonstration under Subsection (5);

630 (ii) affirmatively decline the request; or

631 (iii) choose not to respond to the request.

632 (d) If a [request to override the denial of a fee waiver] fee waiver denial override
633 request is declined or considered declined under this Subsection (9):

634 (i) the denial of the fee waiver request stands and is final; and

635 (ii) the review officer's action to decline or to choose not to respond to the fee waiver
636 denial override request is final.

637

638 **Part 4. Review of Access Denial or Record Request Nonresponse**

639

640 **Section L-401. Review request.**

641 (1) (a) A requester may seek review of a records coordinator's access denial or a
642 record request nonresponse if the requester submits a review request to the review officer as
643 provided in this section.

644 (b) An attempt to seek review of an action or inaction that is neither an access denial
645 nor a record request nonresponse is invalid and without effect.

646 (2) A review officer may not accept a review request or conduct a review of an access
647 denial or a record request nonresponse unless:

648 (a) the review request is submitted to the review officer no later than 15 business days
649 after, as applicable:

650 (i) the date of the access denial; or

651 (ii) the date that the records coordinator is considered to have not responded to the
652 requester's record request under Subsection L-204 ~~[(5)]~~ (7); and

653 (b) the review request complies with the other requirements of this section.

654 (3) A review request shall:

655 (a) contain:

656 (i) the name, mailing address, and daytime telephone number of the requester;

657 (ii) if the review request is submitted by an entity, the name of the entity's contact
658 individual;

659 ~~[(ii)]~~ (iii) the email address of the requester or, for a review request submitted by an
660 entity, the email address of the entity's contact individual, if the requester indicates that the
661 requester is willing to accept communications regarding the review by email;

662 ~~[(iii)]~~ (iv) an explanation of the basis of the review request; and

663 ~~[(iv)]~~ (v) a statement of the action the requester wants the review officer to take; and

664 (b) be accompanied by a copy of:

665 (i) the accepted record request as to which the access denial or record request
666 nonresponse relates; and

667 (ii)(A) the records coordinator's written response that contains the access denial that is
668 the subject of the review request, if the records coordinator provided a written response
669 denying access to the record; or

670 (B) a statement that the records coordinator is considered to have not responded to
671 the accepted record request under Subsection L-204 ~~[(5)]~~ (7), including the date that the
672 records coordinator is considered to have not responded, if the requester seeks review of a

673 records request nonresponse.

674 (4) If a review request based on a record request nonresponse is submitted before the
675 expiration of the time for the records coordinator to respond to the record request under
676 Section L-204:

677 (a) the review request is invalid and without effect; and

678 (b) a review officer shall disregard and may not accept the review request.

679

680 **Section L-402. Review by review officer of an access denial or record request**
681 **nonresponse -- Response.**

682 (1) [A] (a) Except as provided in Subsection (1)(b), a review officer who receives a
683 review request that complies with the requirements of Section L-401 shall review the records
684 coordinator's access denial or the records request nonresponse and provide a written
685 response to the requester, as provided in this section.

686 (b) If a review request based on a record request nonresponse is submitted relating to
687 a record request that is not an accepted record request because the requester has not paid
688 the required filing fee:

689 (i) the review request is invalid and without effect; and

690 (ii) the review officer shall:

691 (A) disregard the review request; and

692 (B) direct the records coordinator to notify the requester as provided in Subsection L-
693 203(3)(b).

694 (2)(a) Upon review of a records coordinator's access denial, a review officer may:

695 (i) reaffirm the access denial and allow the access denial to stand; or

696 (ii) except as provided in Subsection (2)(b), override the access denial and provide to
697 the requester the record that is the subject of the access denial if:

698 (A) the review officer concludes that the classification upon which the records
699 coordinator's access denial was based is erroneous and that the record should properly be
700 classified as public;

701 (B) the review officer ~~[changes the classification of]~~ reclassifies the record ~~[to]~~ as
702 public; or

703 (C) the chief officer of the legislative office that retains the record determines that the
704 interests favoring access are greater than the interests favoring a denial of access.

705 (b) A review officer may not override an access denial relating to a confidential
706 business record without the consent of the person from whom the legislative office received
707 the confidential business record.

708 (3)(a) Upon review of a record request nonresponse under a review request that is
709 not invalid under Subsection (1)(b), a review officer shall, subject to Subsection (3)(b),
710 process the ~~[review request]~~ record request that is the subject of the record request
711 nonresponse in accordance with ~~[Subsections L-204(1), (2), (3), and (4);]~~ Sections L-202, L-
712 203, L-204, L-205 , and L-206~~;~~ and Part 3, Fees for Responding to a Record Request,
713 as though the review officer were the records coordinator and the record request were an
714 accepted record request.

715 (b) With respect to the process described in Subsection (3)(a):

716 (i) ~~[Subsection L-204(5) does]~~ Subsections L-204(1), (2), (3), and (7) do not apply;
717 and

718 (ii) Subsection L-204~~[(6)]~~ (8) applies, except that the applicable time period that is
719 suspended is the time period described in Subsection L-403(1).

720 (4) As soon as reasonably possible after receiving a review request that complies with
721 the requirements of Section L-401 and is not invalid under Subsection (1)(b), a review
722 officer shall provide the requester a written response with the results of the review officer's
723 review of the access denial or record request nonresponse that is the subject of the review
724 request.

725

726 **Section L-403. When written response is considered issued.**

727 (1) A review officer is considered to have issued a written response to a review
728 request if the review officer does not issue a written response under Section L-402 within:

729 (a) for a review request related to an in-state request:

730 (i)(A) 20 business days after the review request is submitted; or

731 (B) 25 business days after the review request is submitted, if the review request is
732 submitted during an annual general session or special session of the Legislature; or

733 (ii) a period of time that ends later than the period of time stated in Subsection
734 (1)(a)(i), if the requester and review officer agree to the longer period of time; or

735 (b) for a review request related to an out-of-state request:

736 (i) 60 calendar days after the review request is submitted; or

737 (ii) a period of time that ends later than the period of time stated in Subsection
738 (1)(b)(i), if the requester and review officer agree to the longer period of time.

739 (2)(a) If a review officer is considered to have issued a written response under
740 Subsection (1) related to a review request of an access denial:

741 (i) the written response is considered to be a decision allowing the access denial to
742 stand; and

743 (ii) the access denial stands.

744 (b) If a review officer is considered to have issued a written response under
745 Subsection (1) related to a review request of a record request nonresponse, the written
746 response is considered to be an access denial related to the records requested in the record
747 request that is the subject of the record request nonresponse.

748

749 **Part 5. Appeal to Legislative Records Committee**

750

751 **Section L-501. Requester may appeal access denial to Legislative Records** 752 **Committee -- Notice of appeal.**

753 (1) A requester may appeal an access denial to the Legislative Records Committee if:

754 (a) the requester previously submitted a review request:

755 (i) seeking review of the access denial or record request nonresponse; [and]

756 (ii) that complies with the requirements of Section L-401; and

757 (iii) that is not invalid under Subsection L-402(1)(b);

758 (b) the review officer did not override the access denial; and

759 (c) the requester submits a notice of appeal to the Legislative Records Committee, as
760 provided in Section L-502, no later than 15 business days after the review officer, as
761 applicable:

762 (i) issues a written response under Section L-402; or

763 (ii) is considered to have issued a written response under Section L-403.

764 (2) The Legislative Records Committee may not accept a notice of appeal or consider
765 an appeal sought by a requester unless the notice of appeal complies with the requirements
766 of this section.

767 (3) A notice of appeal under this part shall contain:

768 (a) the name, mailing address, and daytime telephone number of the requester;

769 (b) if the requester is an entity, the name of the entity's contact individual; and
770 ~~[(b)]~~ (c) the email address of the requester or, if the requester is an entity, the email
771 address of the entity's contact individual , if the requester indicates that the requester is
772 willing to accept communications regarding the appeal by email.

773 (4) A notice of appeal under this part shall be accompanied by:

774 (a) a copy of the record request that is the subject of the access denial;

775 (b)(i) a copy of the records coordinator's written response that contains the access
776 denial; or

777 (ii) if applicable, a statement that the records coordinator is considered to have not
778 responded to the requester's record request under Subsection L-204 ~~[(5)]~~ (7) , including the
779 date that records coordinator is considered to have not responded;

780 (c) a copy of the requester's review request;

781 (d)(i) a copy of the review officer's written response under Section L-402; or

782 (ii) if applicable, a statement that the review officer was considered to have issued a
783 written response under Section L-403, including the date that the response was considered
784 to have been issued; and

785 (e) a certificate of service signed by the requester certifying the submission to the
786 records coordinator of a copy of:

787 (i) the notice of appeal and the documents required under this Subsection (4) to
788 accompany the notice of appeal; and

789 (ii) the written statement under Subsection (6), if the requester submits a written
790 statement under Subsection (6).

791 (5) A notice of appeal is invalid and without effect and shall be disregarded by the
792 Legislative Records Committee if the notice of appeal is submitted to the Legislative Records
793 Committee before, as applicable:

794 (a) the review officer issues a written response under Section L-402; or

795 (b) the expiration of the time for the review officer to respond to the review request
796 under Section L-403.

797 (6) At the same time the requester submits a notice of appeal, the requester may
798 submit a separate written statement, no longer than 1,500 words in length, explaining the
799 basis of the requester's appeal.

800 (7) A records coordinator or the legislative office that made the access denial:

801 (a) may, within 10 business days after receiving a copy of the notice of appeal, submit
802 to the Legislative Records Committee a brief written explanation of the basis of the access
803 denial; and

804 (b) shall send a copy of the explanation under Subsection (7)(a) to the requester, if the
805 records coordinator or legislative office submits a written explanation under Subsection
806 (7)(a).

807 (8) The Legislative Records Committee may require a records coordinator or review
808 officer to prepare and submit to the committee the brief description referred to in Subsection
809 L-204(4)(b) if:

810 (a) the record request that is the subject of the appeal is the subject of a record
811 request nonresponse; and

812 (b) the review officer was considered to have issued a written response under Section
813 L-403.

814

815 **Section L-502. Filing with or submitting documents to the Legislative Records**
816 **Committee.**

817 (1) A notice of appeal or other document required or permitted under this policy to be
818 filed with or submitted to the Legislative Records Committee shall be filed with or submitted
819 to the director of the Office of Legislative Research and General Counsel.

820 (2) Filing with or submitting to the director of the Office of Legislative Research and
821 General Counsel alone constitutes filing with or submitting to the Legislative Records
822 Committee.

823

824 **Section L-503. Nature of appeal to Legislative Records Committee -- Committee**
825 **review of records.**

826 (1) An appeal to the Legislative Records Committee is not an adversarial or
827 quasi-judicial proceeding but is an opportunity for:

828 (a) the requester to explain the basis of the requester's appeal and explain why the
829 requester should be provided access to the record that is the subject of the access denial;
830 and

831 (b) the Legislative Records Committee to make its own assessment as to whether:

832 (i) a legislative office's classification of a record that is the subject of an access denial

833 ~~[was erroneous]~~ is proper ;

834 (ii) the record that is the subject of an access denial should be reclassified; and

835 (iii) the interests favoring access are greater than the interests favoring a denial of
836 access.

837 (2)(a) A member of the Legislative Records Committee may:

838 (i) review a record that is the subject of the access denial at any time; and

839 (ii) consult ex parte with the records coordinator, review officer, or chief officer
840 concerning anything related to the record request, access denial, record request
841 nonresponse, or other action or inaction with respect to the record request, including:

842 (A) the classification of the record that is the subject of the access denial; and

843 (B) the basis of any access denial.

844 (b) A legislative office shall make a record available to a member of the Legislative
845 Records Committee for the member's review under Subsection (2)(a) at the member's
846 request.

847

848 **Section L-504. Legislative Records Committee proceedings.**

849 (1)(a) A requester may request the Legislative Records Committee to hold a hearing
850 on the requester's appeal by submitting to the Legislative Records Committee a request for a
851 hearing.

852 (b) The Legislative Records Committee may not consider a request for a hearing
853 unless the request for a hearing is submitted with, and at the same time the requester files, a
854 notice of appeal.

855 (2) The Legislative Records Committee may:

856 (a) in its sole discretion, grant or deny a request for a hearing; and

857 (b) on its own, decide to hold a hearing on the appeal.

858 (3) If the Legislative Records Committee grants a request for a hearing or decides on
859 its own to hold a hearing, the committee shall:

860 (a) schedule a hearing to be held within:

861 (i) 60 calendar days after the notice of hearing under Subsection (3)(b) is issued; or

862 (ii) a longer period of time than the period described in Subsection (3)(a)(i), if the

863 requester agrees to the longer period of time;

864 (b) send a notice of the date, time, and place of the hearing to:

865 (i) the requester;
866 (ii) the records coordinator; and
867 (iii) the chief officer of the legislative office that made the access denial or the record
868 request nonresponse that is the subject of the requester's appeal.

869 (4) The purposes of a hearing under this section are:

870 (a) for the Legislative Records Committee to acquire a better understanding of:

871 (i) the basis of the legislative office's access denial; and

872 (ii) the basis of the requester's appeal;

873 (b) to allow a requester an opportunity to explain why the Legislative Records
874 Committee should override the access denial; and

875 (c) to allow the records coordinator, review officer, or other representative of the
876 legislative office to explain the basis of the access denial, if the Legislative Records
877 Committee requests the legislative office's appearance under Subsection (5).

878 (5) The Legislative Records Committee may request the records coordinator, review
879 officer, or other representative of the legislative office that made the access denial to appear
880 at a hearing under this section to explain the basis for the access denial, subject to
881 Subsection (6).

882 (6) In explaining or discussing the basis for an access denial or discussing a record
883 that is subject to an access denial, an individual involved in any capacity at a hearing under
884 this section may not disclose the content of any record that is subject to the access denial.

885 (7) The chair of the Legislature Records Committee is:

886 (a) the president of the Senate, for an appeal initiated during an even-numbered year;
887 and

888 (b) the speaker of the House of Representatives, for an appeal initiated during an odd-
889 numbered year.

890 (8) The Legislative Records Committee or its chair may establish procedures and
891 other requirements, in addition to the provisions of this policy, to govern proceedings before
892 the Legislative Records Committee.

893

894 **Section L-505. Legislative Records Committee statement.**

895 (1) The Legislative Records Committee may:

896 (a) reaffirm the access denial and allow the access denial to stand; or

897 (b) override the access denial and disclose the record to the requester, if the
898 Legislative Records Committee:

899 (i) concludes that the legislative office's classification of the record that is the subject
900 of the access denial was erroneous and that the record should properly be classified as
901 public;

902 (ii) changes the classification of the record to public; or

903 (iii) determines that the interests favoring access are greater than the interests
904 favoring a denial of access.

905 (2)(a) The Legislative Records Committee shall:

906 (i) issue a brief written statement explaining the result of the committee's assessment
907 of an access denial on appeal; and

908 (ii) send a copy of the written statement to:

909 (A) the requester;

910 (B) the records coordinator; and

911 (C) the chief officer of the legislative office whose access denial is the subject of the
912 appeal.

913 (b) The Legislative Records Committee is considered to have issued a written
914 statement reaffirming the access denial, and the access denial stands, if the Legislative
915 Records Committee does not issue a written statement within:

916 (i)(A) 20 business days after a hearing under Section L-504, if a hearing is held; or

917 (B) 60 calendar days after the filing of a notice of appeal, if no hearing is held; or

918 (ii) a longer period of time than the period of time specified in Subsection (2)(b)(i), if
919 the requester agrees to the longer period of time.

920 (3)(a) The access denial that is the subject of an appeal under this part stands unless
921 the Legislative Records Committee overrides the access denial.

(b) A decision of the Legislative Records Committee is final.

Appendix B
Legislative Management Committee Policy L. Legislative Records

**Schedule of Fees for Filing a Record Request and for a Legislative Office
Responding to a Record Request**

Fee Description	Amount of Fee for an In-State Request	Amount of Fee for an Out-of-State Request
Filing fee	\$0 (except as provided below)	\$75
	\$50, for <u>[a repeat request]</u> <u>an over-the-threshold request</u>	
Fee for staff time to identify, gather, segregate, classify, and provide records, including for a preliminary search under Subsection L-301(4)	\$40 per hour after the first two hours (except as provided below)	\$60 per hour
	\$40 per each hour of staff time, for <u>[a repeat request]</u> <u>an over-the-threshold request</u>	
Fee for electronic delivery of records	\$0	\$0
Fee for photocopies of records	\$.10 per side (black and white) \$.40 per side (color)	\$.20 per side (black and white) \$.80 per side (color)
Fee for faxing records	\$1 per page	\$2 per page
Fee for CD/DVD containing records	\$5 per disc	\$5 per disc
Fee to cover mailing cost	Actual cost, with \$2 minimum	Actual cost, with \$3 minimum
Fee for providing a certified copy of a record	\$10 (in addition to any other applicable fee)	\$10 (in addition to any other applicable fee)