

Proposed Change to
Legislative Management Committee Policy L. Legislative Records
October 18, 2022

Section L-501 is proposed to be amended to read:

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

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

- (a) the requester previously submitted a review request:
 - (i) seeking review of the access denial or record request nonresponse;
 - (ii) that complies with the requirements of Section L-401; and
 - (iii) that is not invalid under Subsection L-402(1)(b);
- (b) the review officer did not override the access denial; and
- (c) the requester submits a notice of appeal to the Legislative Records

Committee, as provided in Section L-502, no later than 15 business days after the review officer, as applicable:

- (i) issues a written response under Section L-402; or
- (ii) is considered to have issued a written response under Section L-403.

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

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

- (a) the name, mailing address, and daytime telephone number of the requester;
- (b) if the requester is an entity, the name of the entity's contact individual; and
- (c) the email address of the requester or, if the requester is an entity, the email address of the entity's contact individual, if the requester indicates that the requester is willing to accept communications regarding the appeal by email.

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

- (a) a copy of the record request that is the subject of the access denial;
- (b)(i) a copy of the records coordinator's written response that contains the access denial; or
- (ii) if applicable, a statement that the records coordinator is considered to have not responded to the requester's record request under Subsection L-204(7), including the date that records coordinator is considered to have not responded;

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

- (d)(i) a copy of the review officer's written response under Section L-402; or
- (ii) if applicable, a statement that the review officer was considered to have issued a written response under Section L-403, including the date that the response was considered to have been issued; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(9)(a) The director of the Office of Legislative Research and General Counsel shall, on behalf of the Legislative Records Committee, summarily reject a notice of appeal if the Legislative Records Committee:

(i) is prohibited from accepting a notice of appeal and considering an appeal under Subsection (2); or

(ii) is required to disregard a notice of appeal under Subsection (5).

(b) The director of the Office of Legislative Research and General Counsel:

(i) shall provide written notice of a rejection under Subsection (9)(a) to a requester whose notice of appeal is rejected under Subsection (9)(a); and

(ii) is not required to notify or consult with the Legislative Records Committee in rejecting a notice of appeal under Subsection (9)(a).