Division *of* Archives & Records Service

Government Records Office Report

to the

Government Operations Interim Committee

FY2026

July 1, 2025 - June 30, 2026

Overview

Introduction: As required by statute, the Government Records Office (GRO or "Office") formally submits this annual performance report to the Government Operations Interim Committee ("Committee"). Under Utah Code § 63A-12-202(6) the Office is required to provide an annual report to the Committee on "the work performed by the Office during the previous year, that includes: (a) metrics on the standardization and efficiency of processing appeals; and (b) the effective implementation of the records ombudsman's role."

This report provides analysis of the Office's first full fiscal year of operations, highlighting the successful transition from the former State Records Committee (SRC). Over the past year, the Office has cleared the pre-existing appeals backlog and brought the average time to a hearing/decision within the timeframes established by statute. Despite a very steep increase in the volume of new appeals, the Office continues to hear and decide appeals within those timeframes. However, given the ever-increasing volume of appeals, continued improvements in efficiency will be necessary to maintain the existing timeframes without additional resources. This report includes recommendations to help achieve that added efficiency.

Office Overview: The GRO is a component of the Division of Archives and Records Service (DARS) within the Utah Department of Government Operations (GovOps). The Office's mandate is to be a resource to citizens and government entities in relation to government records, including: ensuring lawful access to records; ensuring the lawful restriction of access to records; classification of records; retention of records; and resolving records disputes informally, via informal mediation, or via the records appeal process. The Office consists of the following personnel:

- **Lonny Pehrson, Director:** Mr. Pehrson started in his position on June 23, 2025. His responsibilities include: supervising and managing the Office; appointing and supervising a government records ombudsman; administering the records appeal process; hearing appeals regarding records access determinations and fee disputes under the Government Records Access and Management Act (GRAMA); and determining disputes submitted by the state auditor under Utah Code § 67-3-1(17)(d).
- **Monica Minaya, Government Records Ombudsman:** Ms. Minaya started in her position in 2023. She oversees the Office's informal dispute resolution efforts, including mediation, and serves as a resource for the public and governmental entities on GRAMA.

- **Rebekkah Shaw, Executive Secretary:** Ms. Shaw previously served as Executive Secretary to the SRC since 2020. She manages all aspects of the appeals process, including screening appeals, scheduling hearings and tracking statutory deadline compliance.

Transition from the State Records Committee

Transition Process: The GRO was established under S.B. 277 (2025 General Session). Pursuant to S.B. 277, all appeals pending before the SRC as of May 7, 2025, were automatically transferred to the Government Records Office.

Under Utah Code § 63A-12-203(5) & (6), the Director was given authority to make administrative rules to govern Office procedures and appeal proceedings. In November 2025, the Office implemented new administrative rules to govern its operations. These rules authorized limited motions to dismiss and provided parties the option to waive formal hearings in favor of decisions based on written materials. These changes have helped the Office to more efficiently resolve appeals.

As authorized under Utah Code § 63A-12-203(2)(c), the Director designated Micah Vorwaller with the Office of Data Privacy to hear and decide appeals in which the Director had a conflict of interest stemming from his prior employment with the Attorney General's Office. Mr. Vorwaller was designated to hear a total of five appeals which were either carried over from the SRC or filed shortly after the Director took office. The Director has not recused himself from any cases since January 2026.

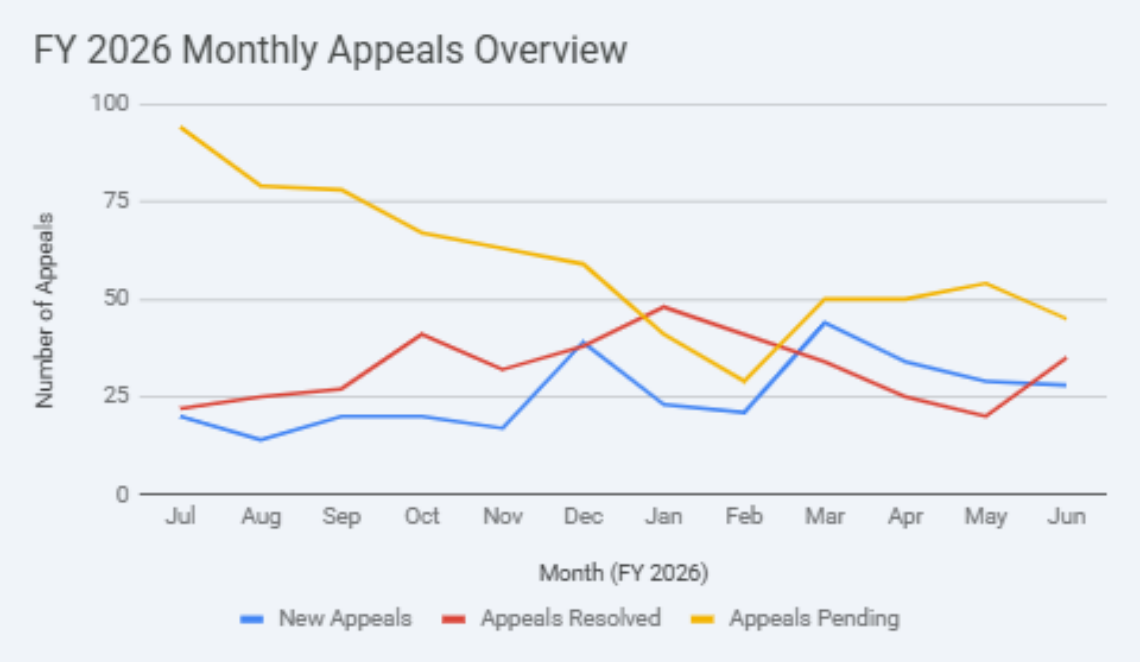
Appeals Caseload

Pre-Existing Caseload and Hearing Process: At the start of FY2026, 102 appeals carried over from the SRC were pending before the Office, including 14 cases held in abeyance. Upon taking office, the Director immediately began reviewing appeals and scheduling hearings. Appeals were prioritized for hearing based on the number of days pending; however, parties could request an expedited hearing for good cause.

The Office strives to send out hearing agendas a month in advance, which allows parties time to pursue informal resolution or formal mediation. Hearings are typically conducted weekly via video conference, which provides greater flexibility for both the Office and the parties and has greatly improved efficiency while reducing costs for facilities and security.

Appeal Resolutions: During FY2026 the Director conducted 170 hearings over 42 hearing dates. The Director issued written decisions on 276 appeals. An additional 79 appeals were either withdrawn or resolved by other means. 309 new appeals were submitted during the fiscal year, which represents a drastic increase over past years. Although the cause of the spike in new appeals remains unclear, it coincided with the rapid decrease in hearing wait times. The average number of new appeals filed per month continues to be elevated compared to previous years. At the conclusion of the fiscal year, 45 appeals were pending before the Director (an additional 3 appeals remained suspended due to ongoing court cases).

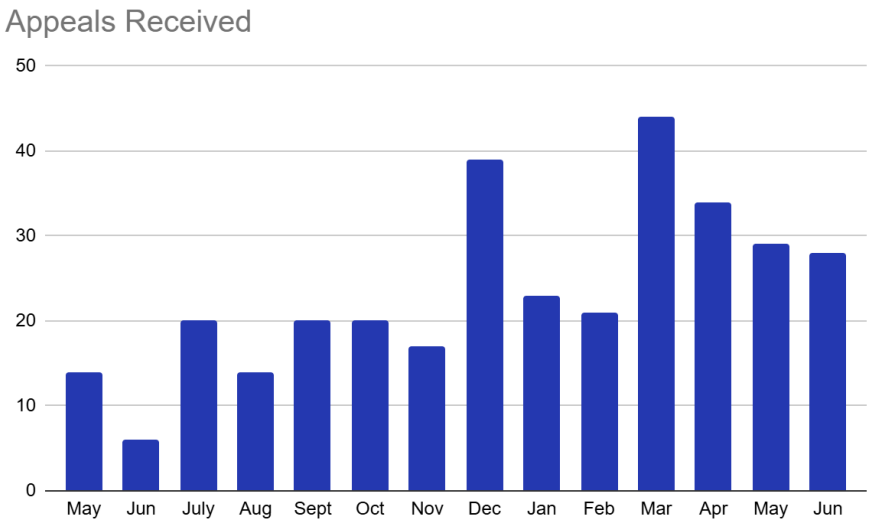
The graph below illustrates the overall state of the GRO caseload during FY2026, including the total number of appeals pending and the number submitted and resolved each month.



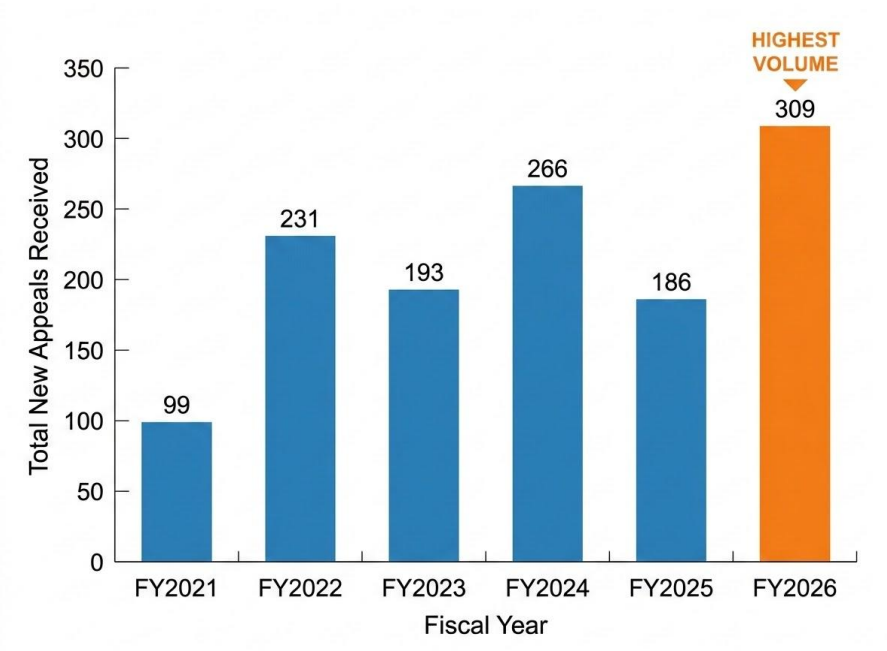
Hearing Wait Time: At the start of the year, the average wait time for a hearing was roughly 130 days due to the backlog inherited from the SRC. By March 2026, wait times were brought well within the statutory guideline of 64 days. Due to the dramatic increase in the number of new appeals filed since March, average wait times slightly increased to 52 days by the end of the year. However, the Office continues to hear and decide appeals within the statutory guidelines.

Additional Metrics:

The table below shows the number of appeals received per month throughout the fiscal year. Note the drastic increase since March.

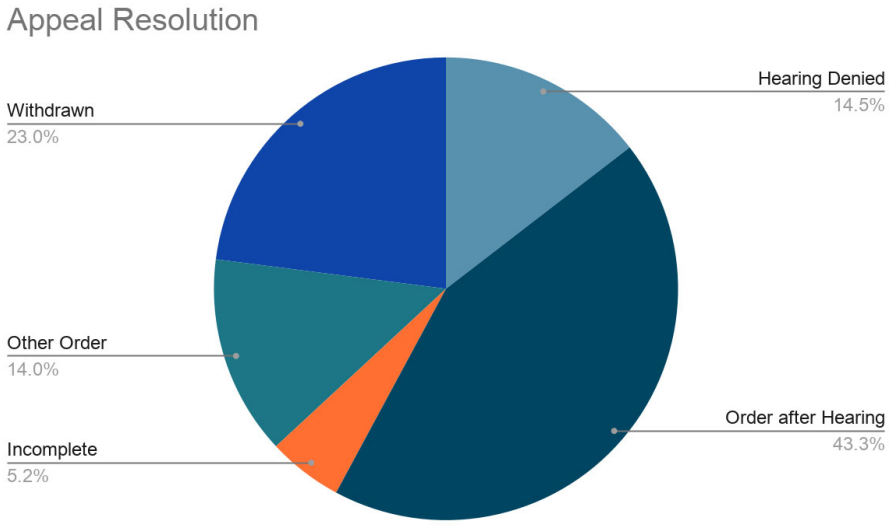


The following table shows the total number of appeals received for each of the past 6 fiscal years.

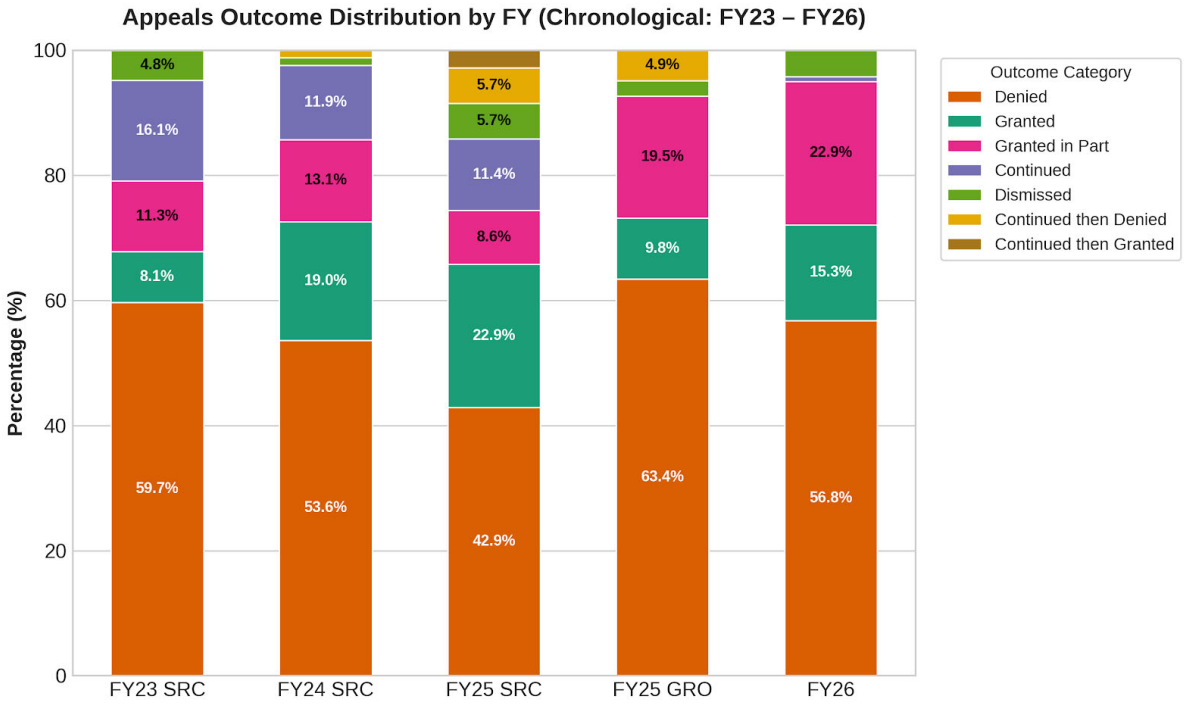


In FY2026, the GRO received 309 new appeals, a drastic increase over past years. The exact cause of the increase is uncertain, but may be partly attributable to the reduced wait time for a hearing.

The following chart shows the resolution type for all appeals resolved during FY2026.



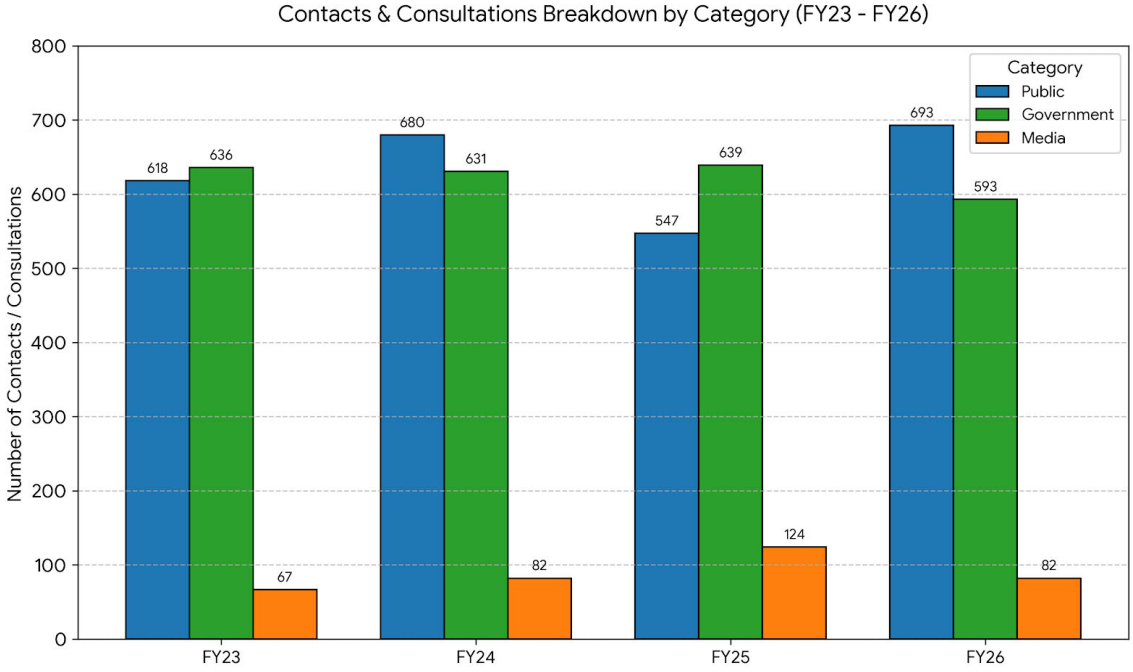
The chart below shows the distribution of hearing outcomes since FY2023 based on the date of appeal filing. Note the two columns for FY2025 due to the transition from the SRC to the GRO.



Government Records Ombudsman Program

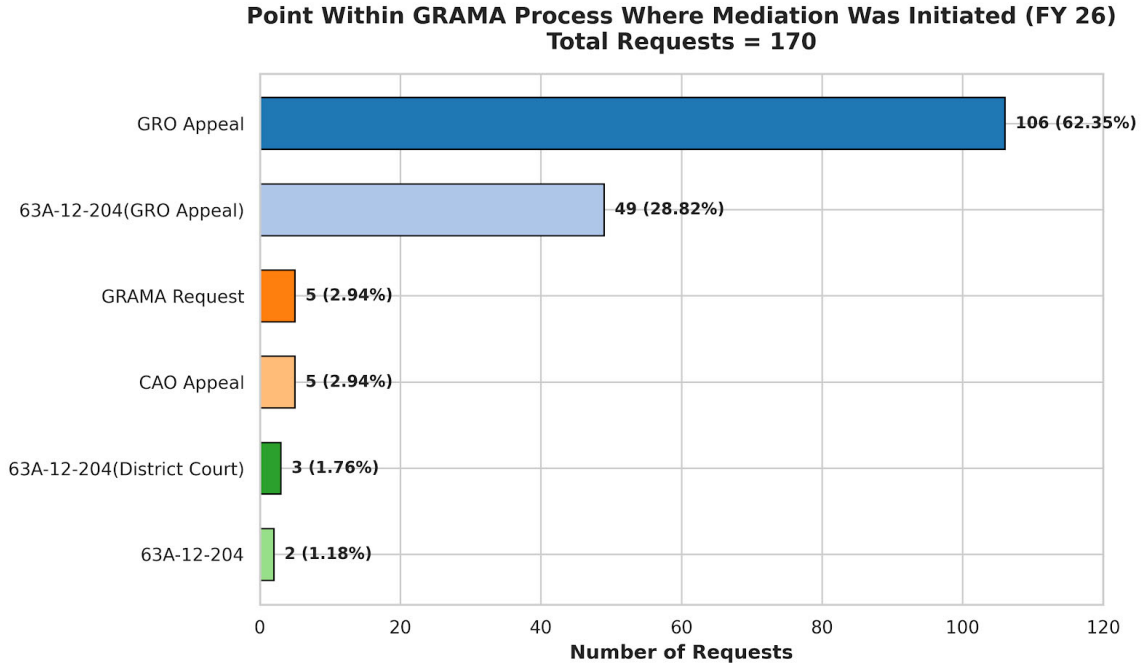
Overview: The role of the Government Records Ombudsman is to be familiar with the provisions of GRAMA and act as a resource for the public, local government, and state record officers. The Ombudsman provides resources to individuals making a records request or filing an appeal related to a records request, as well as to governmental entities responding to a records request. The Ombudsman also offers mediation services to requesters and responders when disputes arise during the records request process.

Contacts & Consultations: From the time the Ombudsman position was created, the number of people who contact the Ombudsman for assistance has remained high among all contact groups. This shows the value of the Ombudsman position to the public, government, and media. Figure 1. shows trends in contacts since Ombudsman Minaya took over the program. For FY26 the Ombudsman began tracking the types of contacts she receives. It is hoped that this additional information will help guide future improvements to the program.

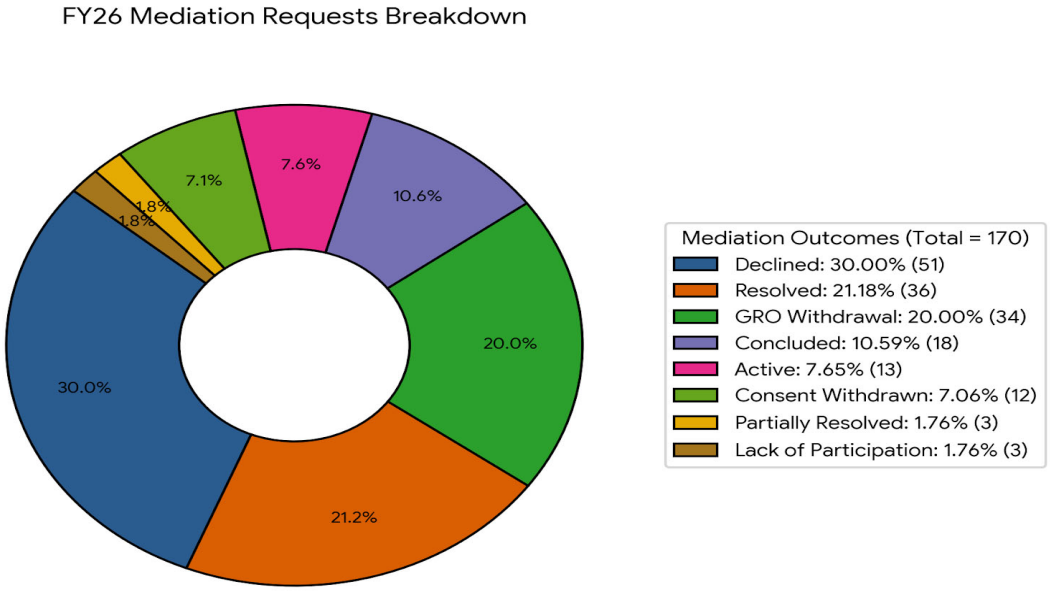


Mediations: During FY2026, the Ombudsman conducted 64 mediations. Pursuant to a statutory change that took effect on May 1, 2024, requesters were allowed to toll their time to appeal to the SRC/GRO or District Court by seeking mediation prior to filing their appeal. These “pre-GRO appeal” mediations were added to the Ombudsman’s tracking

to help evaluate the success of this provision. The table below shows the point in the GRAMA process at which mediation was requested and illustrates that a significant number of requesters are taking advantage of the new procedure.



The graphic below shows the outcomes of mediations over the past fiscal year. Note that “declined” means the opposing party declined to participate in mediation.



Training

During FY26 the Office provided six formal GRAMA trainings to a wide range of audiences. Director Pehrson presented to over 100 attorneys at the Utah Municipal Attorneys Association annual forum in St. George. He and Rebekkah also provided training at the Utah Association of Special Districts convention in November 2025. Rebekkah hosted an in person GRAMA Panel that is also available to watch on YouTube. Rebekkah and Monica conducted three Records Access 101 training sessions (two virtual and one in person). Rebekkah also hosted the Division's annual legislative update webinar for record officers and Monica provided an online training for the public in collaboration with the Moab Sun Times. The Office's training events in FY26 had over 500 combined attendees .

Recommendations

The Office has identified several areas where legislative action could help streamline or improve its operations, including:

Appeals:

- Expanding the Director's authority under Utah Code § 63G-2-403(4) to decline to schedule a hearing to situations where the governmental entity has responded that no records exist or that all records have been provided and the petitioner has failed to meet its burden of showing that "the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or has not sufficiently or has improperly searched for the record", as it existed under Utah Administrative Rule R35-2-2(2).

- Explore modifying the deadline for a governmental entity to submit a statement of facts under Utah Code § 63G-2-403(5)(a) to allow the Director sufficient time to review materials prior to a hearing. This will provide more flexibility in scheduling hearings and allow for more frequent hearings.

- Transferring rulemaking authority for the Ombudsman from the State Archivist under Utah Code § 63A-12-104 to the Government Records Office Director under Utah Code § 63A-12-203, consistent with the transfer of supervisory responsibility over the Ombudsman to the Director.

- Allow the Director to dismiss an appeal without a hearing if the appeal becomes moot after it is scheduled.

- Require governmental entities to provide correct information at the CAO level for further appeal.

Mediation:

- Clarify that Utah Code § 63A-12-204(1)(a)(iii) is intended for mediation after an appeal to the Chief Administrative Officer. The Ombudsman would still provide resources before an appeal to the CAO per Utah Code § 63A-12-204(1)(a)(ii), but formal mediation would only be provided for appeals to the Director or District Court.
- Streamline the mediation certification provisions by (1) removing the requirement under Utah Code § 63G-2-403(1)(c)(ii)(B) and § 63G-2-404(1)(b)(ii)(B)that lack of consent to mediation requires certification, and (2) not requiring certification where an appeal is already pending before the Director. (Utah Code § 63A-12-204(3))

Looking Ahead:

Due to the drastic increase in new appeals filed toward the end of FY26, the Office again faced difficulty complying with the existing statutory deadlines for hearings and decisions, which required substantial overtime by the Director and significant additional use of legal counsel to assist with drafting decisions and orders. The recommendations above may help alleviate this situation, however, if this trend continues it may be necessary to:

- Explore the possibility of additional legal staffing to assist with substantive review and analysis of appeals and drafting of orders.
- Lengthen the statutory timeframes for conducting hearings and issuing orders.