

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Government Records Access and Management Act.

Highlighted Provisions:

This bill:

- ▶ provides that a governmental entity is not required to respond to a record request from an individual who is confined in a correctional facility following conviction or is on probation or parole, with an exception;
- ▶ modifies the time a chief administrative officer has to make a decision on an appeal;
- ▶ prohibits a court from remanding to the State Records Committee a petition for review of a State Records Committee order;
- ▶ modifies membership of the State Records Committee; and
- ▶ modifies qualifications of members of a political subdivision appeals board.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-2-201, as last amended by Laws of Utah 2016, Chapter 410



- 28 63G-2-204, as last amended by Laws of Utah 2011, Chapter 340
- 29 63G-2-401, as last amended by Laws of Utah 2015, Chapter 335
- 30 63G-2-404, as last amended by Laws of Utah 2015, Chapter 335
- 31 63G-2-501, as last amended by Laws of Utah 2015, Chapter 335
- 32 63G-2-701, as last amended by Laws of Utah 2015, Chapter 335

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section 63G-2-201 is amended to read:

36 **63G-2-201. Right to inspect records and receive copies of records.**

37 (1) Every person has the right to inspect a public record free of charge, and the right to
38 take a copy of a public record during normal working hours, subject to Sections 63G-2-203 and
39 63G-2-204.

40 (2) A record is public unless otherwise expressly provided by statute.

41 (3) The following records are not public:

42 (a) a record that is private, controlled, or protected under Sections 63G-2-302,
43 63G-2-303, 63G-2-304, and 63G-2-305; and

44 (b) a record to which access is restricted pursuant to court rule, another state statute,
45 federal statute, or federal regulation, including records for which access is governed or
46 restricted as a condition of participation in a state or federal program or for receiving state or
47 federal funds.

48 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or
49 63G-2-305 may be classified private, controlled, or protected.

50 (5) (a) A governmental entity may not disclose a record that is private, controlled, or
51 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c), Section
52 63G-2-202, 63G-2-206, or 63G-2-303.

53 (b) A governmental entity may disclose a record that is private under Subsection
54 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those specified in
55 Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or a designee,
56 determines that:

57 (i) there is no interest in restricting access to the record; or

58 (ii) the interests favoring access are greater than or equal to the interest favoring

59 restriction of access.

60 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
61 disclose a record that is protected under Subsection 63G-2-305(51) if:

62 (i) the head of the governmental entity, or a designee, determines that the disclosure:

63 (A) is mutually beneficial to:

64 (I) the subject of the record;

65 (II) the governmental entity; and

66 (III) the public; and

67 (B) serves a public purpose related to:

68 (I) public safety; or

69 (II) consumer protection; and

70 (ii) the person who receives the record from the governmental entity agrees not to use
71 or allow the use of the record for advertising or solicitation purposes.

72 (6) (a) The disclosure of a record to which access is governed or limited pursuant to
73 court rule, another state statute, federal statute, or federal regulation, including a record for
74 which access is governed or limited as a condition of participation in a state or federal program
75 or for receiving state or federal funds, is governed by the specific provisions of that statute,
76 rule, or regulation.

77 (b) This chapter applies to records described in Subsection (6)(a) insofar as this chapter
78 is not inconsistent with the statute, rule, or regulation.

79 (7) A governmental entity shall provide a person with a certified copy of a record if:

80 (a) the person requesting the record has a right to inspect it;

81 (b) the person identifies the record with reasonable specificity; and

82 (c) the person pays the lawful fees.

83 (8) (a) In response to a request, a governmental entity is not required to:

84 (i) create a record;

85 (ii) compile, format, manipulate, package, summarize, or tailor information;

86 (iii) provide a record in a particular format, medium, or program not currently
87 maintained by the governmental entity;

88 (iv) fulfill a person's records request if the request unreasonably duplicates prior
89 records requests from that person; or

90 (v) fill a person's records request if:

91 (A) the record requested is accessible in the identical physical form and content in a
92 public publication or product produced by the governmental entity receiving the request;

93 (B) the governmental entity provides the person requesting the record with the public
94 publication or product; and

95 (C) the governmental entity specifies where the record can be found in the public
96 publication or product.

97 (b) Upon request, a governmental entity may provide a record in a particular form
98 under Subsection (8)(a)(ii) or (iii) if:

99 (i) the governmental entity determines it is able to do so without unreasonably
100 interfering with the governmental entity's duties and responsibilities; and

101 (ii) the requester agrees to pay the governmental entity for providing the record in the
102 requested form in accordance with Section 63G-2-203.

103 (9) (a) Notwithstanding any other provision of this chapter, a governmental entity is
104 not required to respond to, or provide records in response to, a record request if the request is
105 submitted by or on behalf of an individual who is:

106 (i) confined in a jail or other correctional facility following the individual's conviction;

107 or

108 (ii) being supervised on probation or parole with the Department of Corrections.

109 (b) Subsection (9)(a) does not apply to a record request that:

110 (i) seeks access to a public record; and

111 (ii) is submitted by an attorney of an individual described in Subsection (9)(a).

112 [~~9~~] (10) (a) A governmental entity may allow a person requesting more than 50 pages
113 of records to copy the records if:

114 (i) the records are contained in files that do not contain records that are exempt from
115 disclosure, or the records may be segregated to remove private, protected, or controlled
116 information from disclosure; and

117 (ii) the governmental entity provides reasonable safeguards to protect the public from
118 the potential for loss of a public record.

119 (b) [~~When~~] If the requirements of Subsection [~~9~~] (10)(a) are met, the governmental
120 entity may:

121 (i) provide the requester with the facilities for copying the requested records and
122 require that the requester make the copies; or

123 (ii) allow the requester to provide the requester's own copying facilities and personnel
124 to make the copies at the governmental entity's offices and waive the fees for copying the
125 records.

126 ~~[(10)]~~ (11) (a) A governmental entity that owns an intellectual property right and that
127 offers the intellectual property right for sale or license may control by ordinance or policy the
128 duplication and distribution of the material based on terms the governmental entity considers to
129 be in the public interest.

130 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
131 granted to the governmental entity under federal copyright or patent law as a result of its
132 ownership of the intellectual property right.

133 ~~[(11)]~~ (12) A governmental entity may not use the physical form, electronic or
134 otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to
135 inspect and receive a copy of a record under this chapter.

136 ~~[(12)]~~ (13) Subject to the requirements of Subsection (8), a governmental entity shall
137 provide access to an electronic copy of a record in lieu of providing access to its paper
138 equivalent if:

139 (a) the person making the request requests or states a preference for an electronic copy;

140 (b) the governmental entity currently maintains the record in an electronic format that
141 is reproducible and may be provided without reformatting or conversion; and

142 (c) the electronic copy of the record:

143 (i) does not disclose other records that are exempt from disclosure; or

144 (ii) may be segregated to protect private, protected, or controlled information from
145 disclosure without the undue expenditure of public resources or funds.

146 ~~[(13)]~~ (14) In determining whether a record is properly classified as private under
147 Subsection [63G-2-302\(2\)\(d\)](#), the governmental entity, State Records Committee, local appeals
148 board, or court shall consider and weigh:

149 (a) any personal privacy interests, including those in images, that would be affected by
150 disclosure of the records in question; and

151 (b) any public interests served by disclosure.

152 Section 2. Section **63G-2-204** is amended to read:

153 **63G-2-204. Requests -- Time limit for response and extraordinary circumstances.**

154 (1) A person making a request for a record shall furnish the governmental entity with a
155 written request containing:

156 (a) the person's name, mailing address, and daytime telephone number, if available;
157 and

158 (b) a description of the record requested that identifies the record with reasonable
159 specificity.

160 (2) (a) Subject to Subsection (2)(b), a person making a request for a record shall submit
161 the request to the governmental entity that prepares, owns, or retains the record.

162 (b) In response to a request for a record, a governmental entity may not provide a
163 record that it has received under Section **63G-2-206** as a shared record if the record was shared
164 for the purpose of auditing, if the governmental entity is authorized by state statute to conduct
165 an audit.

166 (c) If a governmental entity is prohibited from providing a record under Subsection
167 (2)(b), it shall:

168 (i) deny the records request; and

169 (ii) inform the person making the request that records requests must be submitted to the
170 governmental entity that prepares, owns, or retains the record.

171 (d) A governmental entity may make rules in accordance with Title 63G, Chapter 3,
172 Utah Administrative Rulemaking Act, specifying where and to whom requests for access shall
173 be directed.

174 (3) After receiving a request for a record, a governmental entity shall:

175 (a) review each request that seeks an expedited response and notify, within five
176 business days after receiving the request, each requester that has not demonstrated that their
177 record request benefits the public rather than the person that their response will not be
178 expedited; and

179 (b) as soon as reasonably possible, but no later than 10 business days after receiving a
180 written request, or five business days after receiving a written request if the requester
181 demonstrates that expedited response to the record request benefits the public rather than the
182 person:

- 183 (i) approve the request and provide a copy of the record;
- 184 (ii) deny the request in accordance with the procedures and requirements of Section
185 63G-2-205;
- 186 (iii) notify the requester that it does not maintain the record requested and provide, if
187 known, the name and address of the governmental entity that does maintain the record; or
- 188 (iv) notify the requester that because of one of the extraordinary circumstances listed in
189 Subsection (5), it cannot immediately approve or deny the request, and include with the notice:
- 190 (A) a description of the circumstances that constitute the extraordinary circumstances;
191 and
- 192 (B) the date when the records will be available, consistent with the requirements of
193 Subsection (6).
- 194 (4) Any person who requests a record to obtain information for a story or report for
195 publication or broadcast to the general public is presumed to be acting to benefit the public
196 rather than a person.
- 197 (5) The following circumstances constitute "extraordinary circumstances" that allow a
198 governmental entity to delay approval or denial by an additional period of time as specified in
199 Subsection (6) if the governmental entity determines that due to the extraordinary
200 circumstances it cannot respond within the time limits provided in Subsection (3):
- 201 (a) another governmental entity is using the record, in which case the originating
202 governmental entity shall promptly request that the governmental entity currently in possession
203 return the record;
- 204 (b) another governmental entity is using the record as part of an audit, and returning the
205 record before the completion of the audit would impair the conduct of the audit;
- 206 (c) (i) the request is for a voluminous quantity of records or a record series containing a
207 substantial number of records; or
- 208 (ii) the requester seeks a substantial number of records or records series in requests
209 filed within five working days of each other;
- 210 (d) the governmental entity is currently processing a large number of records requests;
- 211 (e) the request requires the governmental entity to review a large number of records to
212 locate the records requested;
- 213 (f) the decision to release a record involves legal issues that require the governmental

214 entity to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case
215 law;

216 (g) segregating information that the requester is entitled to inspect from information
217 that the requester is not entitled to inspect requires extensive editing; or

218 (h) segregating information that the requester is entitled to inspect from information
219 that the requester is not entitled to inspect requires computer programming.

220 (6) If one of the extraordinary circumstances listed in Subsection (5) precludes
221 approval or denial within the time specified in Subsection (3), the following time limits apply
222 to the extraordinary circumstances:

223 (a) for claims under Subsection (5)(a), the governmental entity currently in possession
224 of the record shall return the record to the originating entity within five business days of the
225 request for the return unless returning the record would impair the holder's work;

226 (b) for claims under Subsection (5)(b), the originating governmental entity shall notify
227 the requester when the record is available for inspection and copying;

228 (c) for claims under Subsections (5)(c), (d), and (e), the governmental entity shall:

229 (i) disclose the records that it has located which the requester is entitled to inspect;

230 (ii) provide the requester with an estimate of the amount of time it will take to finish
231 the work required to respond to the request;

232 (iii) complete the work and disclose those records that the requester is entitled to
233 inspect as soon as reasonably possible; and

234 (iv) for any person that does not establish a right to an expedited response as
235 authorized by Subsection (3), a governmental entity may choose to:

236 (A) require the person to provide for copying of the records as provided in Subsection
237 [63G-2-201](#)~~(9)~~(10); or

238 (B) treat a request for multiple records as separate record requests, and respond
239 sequentially to each request;

240 (d) for claims under Subsection (5)(f), the governmental entity shall either approve or
241 deny the request within five business days after the response time specified for the original
242 request has expired;

243 (e) for claims under Subsection (5)(g), the governmental entity shall fulfill the request
244 within 15 business days from the date of the original request; or

245 (f) for claims under Subsection (5)(h), the governmental entity shall complete its
246 programming and disclose the requested records as soon as reasonably possible.

247 (7) (a) If a request for access is submitted to an office of a governmental entity other
248 than that specified by rule in accordance with Subsection (2), the office shall promptly forward
249 the request to the appropriate office.

250 (b) If the request is forwarded promptly, the time limit for response begins when the
251 record is received by the office specified by rule.

252 (8) If the governmental entity fails to provide the requested records or issue a denial
253 within the specified time period, that failure is considered the equivalent of a determination
254 denying access to the record.

255 Section 3. Section **63G-2-401** is amended to read:

256 **63G-2-401. Appeal to chief administrative officer -- Notice of the decision of the**
257 **appeal.**

258 (1) (a) A requester or interested party may appeal an access denial to the chief
259 administrative officer of the governmental entity by filing a notice of appeal with the chief
260 administrative officer within 30 days after:

261 (i) the governmental entity sends a notice of denial under Section [63G-2-205](#), if the
262 governmental entity denies a record request under Subsection [63G-2-205\(1\)](#); or

263 (ii) the record request is considered denied under Subsection [63G-2-204\(8\)](#), if that
264 subsection applies.

265 (b) If a governmental entity claims extraordinary circumstances and specifies the date
266 when the records will be available under Subsection [63G-2-204\(3\)](#), and, if the requester
267 believes the extraordinary circumstances do not exist or that the date specified is unreasonable,
268 the requester may appeal the governmental entity's claim of extraordinary circumstances or date
269 for compliance to the chief administrative officer by filing a notice of appeal with the chief
270 administrative officer within 30 days after notification of a claim of extraordinary
271 circumstances by the governmental entity, despite the lack of a "determination" or its
272 equivalent under Subsection [63G-2-204\(8\)](#).

273 (2) A notice of appeal shall contain:

274 (a) the name, mailing address, and daytime telephone number of the requester or
275 interested party; and

276 (b) the relief sought.

277 (3) The requester or interested party may file a short statement of facts, reasons, and
278 legal authority in support of the appeal.

279 (4) (a) If the appeal involves a record that is the subject of a business confidentiality
280 claim under Section 63G-2-309, the chief administrative officer shall:

281 (i) send notice of the appeal to the business confidentiality claimant within three
282 business days after receiving notice, except that if notice under this section must be given to
283 more than 35 persons, it shall be given as soon as reasonably possible; and

284 (ii) send notice of the business confidentiality claim and the schedule for the chief
285 administrative officer's determination to the requester or interested party within three business
286 days after receiving notice of the appeal.

287 (b) The business confidentiality claimant shall have seven business days after notice is
288 sent by the administrative officer to submit further support for the claim of business
289 confidentiality.

290 (5) (a) The chief administrative officer shall make a decision on the appeal within:

291 (i) (A) 10 business days after the chief administrative officer's receipt of the notice of
292 appeal; or

293 (B) five business days after the chief administrative officer's receipt of the notice of
294 appeal, if the requester or interested party demonstrates that an expedited decision benefits the
295 public rather than the requester or interested party; or

296 (ii) 12 business days after the governmental entity sends the notice of appeal to a person
297 who submitted a claim of business confidentiality.

298 (b) (i) If the chief administrative officer fails to make a decision on an appeal of an
299 access denial within the time specified in Subsection (5)(a), the failure is the equivalent of a
300 decision affirming the access denial.

301 (ii) If the chief administrative officer fails to make a decision on an appeal under
302 Subsection (1)(b) within the time specified in Subsection (5)(a), the failure is the equivalent of
303 a decision affirming the claim of extraordinary circumstances or the reasonableness of the date
304 specified when the records will be available.

305 (c) The provisions of this section notwithstanding, the parties participating in the
306 proceeding may, by agreement, extend the time periods specified in this section.

307 (6) Except as provided in Section 63G-2-406, the chief administrative officer may,
308 upon consideration and weighing of the various interests and public policies pertinent to the
309 classification and disclosure or nondisclosure, order the disclosure of information properly
310 classified as private under Subsection 63G-2-302(2) or protected under Section 63G-2-305 if
311 the interests favoring access are greater than or equal to the interests favoring restriction of
312 access.

313 (7) (a) The governmental entity shall send written notice of the chief administrative
314 officer's decision to all participants.

315 (b) If the chief administrative officer's decision is to affirm the access denial in whole
316 or in part, the notice under Subsection (7)(a) shall include:

317 (i) a statement that the requester or interested party has the right to appeal the decision,
318 as provided in Section 63G-2-402, to:

319 (A) the records committee or district court; or

320 (B) the local appeals board, if the governmental entity is a political subdivision and the
321 governmental entity has established a local appeals board;

322 (ii) the time limits for filing an appeal; and

323 (iii) the name and business address of:

324 (A) the executive secretary of the records committee; and

325 (B) the individual designated as the contact individual for the appeals board, if the
326 governmental entity is a political subdivision that has established an appeals board under
327 Subsection 63G-2-701(5)(c).

328 (8) A person aggrieved by a governmental entity's classification or designation
329 determination under this chapter, but who is not requesting access to the records, may appeal
330 that determination using the procedures provided in this section. If a nonrequester is the only
331 appellant, the procedures provided in this section shall apply, except that the decision on the
332 appeal shall be made within 30 days after receiving the notice of appeal.

333 (9) The duties of the chief administrative officer under this section may be delegated.
334 Section 4. Section 63G-2-404 is amended to read:

335 **63G-2-404. Judicial review.**

336 (1) (a) A petition for judicial review of an order or decision, as allowed under this part
337 or in Subsection 63G-2-701(6)(a)(ii), shall be filed no later than 30 days after the date of the

338 order or decision.

339 (b) The records committee is a necessary party to a petition for judicial review of a
340 records committee order.

341 (c) The executive secretary of the records committee shall be served with notice of a
342 petition for judicial review of a records committee order, in accordance with the Utah Rules of
343 Civil Procedure.

344 (2) A petition for judicial review is a complaint governed by the Utah Rules of Civil
345 Procedure and shall contain:

346 (a) the petitioner's name and mailing address;

347 (b) a copy of the records committee order from which the appeal is taken, if the
348 petitioner is seeking judicial review of an order of the records committee;

349 (c) the name and mailing address of the governmental entity that issued the initial
350 determination with a copy of that determination;

351 (d) a request for relief specifying the type and extent of relief requested; and

352 (e) a statement of the reasons why the petitioner is entitled to relief.

353 (3) If the appeal is based on the denial of access to a protected record based on a claim
354 of business confidentiality, the court shall allow the claimant of business confidentiality to
355 provide to the court the reasons for the claim of business confidentiality.

356 (4) All additional pleadings and proceedings in the district court are governed by the
357 Utah Rules of Civil Procedure.

358 (5) The district court may review the disputed records. The review shall be in camera.

359 (6) (a) The court shall:

360 [~~(a)~~] (i) make [~~its~~] the court's decision de novo, but, for a petition seeking judicial
361 review of a records committee order, allow introduction of evidence presented to the records
362 committee;

363 [~~(b)~~] (ii) determine all questions of fact and law without a jury; and

364 [~~(c)~~] (iii) decide the issue at the earliest practical opportunity.

365 (b) In a court's review and decision of a petition seeking judicial review of a records
366 committee order, the court may not remand the petition to the records committee for any
367 additional proceedings.

368 (7) (a) Except as provided in Section 63G-2-406, the court may, upon consideration

369 and weighing of the various interests and public policies pertinent to the classification and
370 disclosure or nondisclosure, order the disclosure of information properly classified as private,
371 controlled, or protected if the interest favoring access is greater than or equal to the interest
372 favoring restriction of access.

373 (b) The court shall consider and, where appropriate, limit the requester's use and
374 further disclosure of the record in order to protect privacy interests in the case of private or
375 controlled records, business confidentiality interests in the case of records protected under
376 Subsections 63G-2-305(1) and (2), and privacy interests or the public interest in the case of
377 other protected records.

378 Section 5. Section 63G-2-501 is amended to read:

379 **63G-2-501. State Records Committee created -- Membership -- Terms --**
380 **Vacancies -- Expenses.**

381 (1) There is created the State Records Committee within the Department of
382 Administrative Services to consist of the following seven individuals:

383 (a) an individual in the private sector whose profession requires the individual to create
384 or manage records that if created by a governmental entity would be private or controlled;

385 (b) the director of the Division of State History or the director's designee;

386 (c) the governor or the governor's designee;

387 (d) two citizen members, one of whom is employed in the field of law enforcement;

388 (e) one person representing political subdivisions, as recommended by the Utah League
389 of Cities and Towns; and

390 (f) one individual representing the news media.

391 (2) The members specified in Subsections (1)(a), (d), (e), and (f) shall be appointed by
392 the governor with the consent of the Senate.

393 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
394 expire, the governor shall appoint each new member or reappointed member to a four-year
395 term.

396 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
397 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
398 committee members are staggered so that approximately half of the committee is appointed
399 every two years.

400 (c) Each appointed member is eligible for reappointment for one additional term.
401 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
402 appointed for the unexpired term.

403 (5) A member may not receive compensation or benefits for the member's service, but
404 may receive per diem and travel expenses in accordance with:

405 (a) Section 63A-3-106;

406 (b) Section 63A-3-107; and

407 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
408 63A-3-107.

409 Section 6. Section 63G-2-701 is amended to read:

410 **63G-2-701. Political subdivisions may adopt ordinances in compliance with**
411 **chapter -- Appeal process.**

412 (1) As used in this section:

413 (a) "Access denial" means the same as that term is defined in Section 63G-2-400.5.

414 (b) "Interested party" means the same as that term is defined in Section 63G-2-400.5.

415 (c) "Requester" means the same as that term is defined in Section 63G-2-400.5.

416 (2) (a) Each political subdivision may adopt an ordinance or a policy applicable
417 throughout its jurisdiction relating to information practices including classification,
418 designation, access, denials, segregation, appeals, management, retention, and amendment of
419 records.

420 (b) The ordinance or policy shall comply with the criteria set forth in this section.

421 (c) If any political subdivision does not adopt and maintain an ordinance or policy, then
422 that political subdivision is subject to this chapter.

423 (d) Notwithstanding the adoption of an ordinance or policy, each political subdivision
424 is subject to Part 1, General Provisions, Part 3, Classification, and Sections 63A-12-105,
425 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and 63G-2-602.

426 (e) Every ordinance, policy, or amendment to the ordinance or policy shall be filed
427 with the state archives no later than 30 days after its effective date.

428 (f) The political subdivision shall also report to the state archives all retention
429 schedules, and all designations and classifications applied to record series maintained by the
430 political subdivision.

431 (g) The report required by Subsection (2)(f) is notification to state archives of the
432 political subdivision's retention schedules, designations, and classifications. The report is not
433 subject to approval by state archives. If state archives determines that a different retention
434 schedule is needed for state purposes, state archives shall notify the political subdivision of the
435 state's retention schedule for the records and shall maintain the records if requested to do so
436 under Subsection [63A-12-105\(2\)](#).

437 (3) Each ordinance or policy relating to information practices shall:

438 (a) provide standards for the classification and designation of the records of the
439 political subdivision as public, private, controlled, or protected in accordance with Part 3,
440 Classification;

441 (b) require the classification of the records of the political subdivision in accordance
442 with those standards;

443 (c) provide guidelines for establishment of fees in accordance with Section [63G-2-203](#);
444 and

445 (d) provide standards for the management and retention of the records of the political
446 subdivision comparable to Section [63A-12-103](#).

447 (4) (a) Each ordinance or policy shall establish access criteria, procedures, and
448 response times for requests to inspect, obtain, or amend records of the political subdivision,
449 and time limits for appeals consistent with this chapter.

450 (b) In establishing response times for access requests and time limits for appeals, the
451 political subdivision may establish reasonable time frames different than those set out in
452 Section [63G-2-204](#) and Part 4, Appeals, if it determines that the resources of the political
453 subdivision are insufficient to meet the requirements of those sections.

454 (5) (a) A political subdivision shall establish an appeals process for persons aggrieved
455 by classification, designation, or access decisions.

456 (b) A political subdivision's appeals process shall include a process for a requester or
457 interested party to appeal an access denial to a person designated by the political subdivision as
458 the chief administrative officer for purposes of an appeal under Section [63G-2-401](#).

459 (c) (i) A political subdivision may establish an appeals board to decide an appeal of a
460 decision of the chief administrative officer affirming an access denial.

461 (ii) An appeals board established by a political subdivision shall be composed of three

462 members:

463 (A) one of whom shall be an employee of the political subdivision; and

464 (B) two of whom shall be members of the public who are not employed by or officials
465 of a governmental entity, at least one of whom shall have professional experience with
466 requesting or managing records.

467 (iii) If a political subdivision establishes an appeals board, any appeal of a decision of a
468 chief administrative officer shall be made to the appeals board.

469 (iv) If a political subdivision does not establish an appeals board, the political
470 subdivision's appeals process shall provide for an appeal of a chief administrative officer's
471 decision to the records committee, as provided in Section 63G-2-403.

472 (6) (a) A political subdivision or requester may appeal an appeals board decision:

473 (i) to the records committee, as provided in Section 63G-2-403; or

474 (ii) by filing a petition for judicial review with the district court.

475 (b) The contents of a petition for judicial review under Subsection (6)(a)(ii) and the
476 conduct of the proceeding shall be in accordance with Sections 63G-2-402 and 63G-2-404.

477 (c) A person who appeals an appeals board decision to the records committee does not
478 lose or waive the right to seek judicial review of the decision of the records committee.

479 (7) Any political subdivision that adopts an ordinance or policy under Subsection (1)
480 shall forward to state archives a copy and summary description of the ordinance or policy.