POLICY #5.39
SUBJECT:

I. PURPOSE

The purpose of this Policy is to provide policy related to Southern Utah University Records access and management matters pursuant to the Utah Government Records Access and Management Act (GRAMA), Utah Code § 63G-2-101, et seq.

II. REFERENCES

A. FERPA, 20 U.S.C. § 1232g, 34 CFR Part 99

B. Southern Utah University Policy 6.8

C. Southern Utah University Policy 6.8

E. Utah Code § 63G-2 GRAMA

III. DEFINITIONS

A. Classification: Classi

H. Record: A book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics.

1. that is prepared, owned, received, or retained by University; and

2. where all of the information in the original is reproducible by photocopy or other mechanical or electronic means;

3. a personal note or personal communication prepared or received by an employee or officer of the University:

    a. in a capacity other than the employee's or officer's governmental capacity; or

    b. that is unrelated to the conduct of the public's business.

Record does NOT include:

4. a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

5. material to which access is limited by the laws of copyright or patent, unless the copyright or patent is owned by the University;

6. proprietary software;

7. a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;

8. material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the

I. Records Officer: The University's Director of Public Relations, appointed by the University President, who works with state archives in the care, maintenance, scheduling, Designation, and Classification of University Records. The Records Officer oversees the receipt, scheduling, response, and if necessary, denial of Records requests under GRAMA. The Records Officer may also be referred to as the GRAMA officer.

J. Restricted or Exempt Records: Information for which there are legal requirements prohibiting or imposing financial penalties for unauthorized disclosure, e.g., FERPA education Records, or other federal or state restrictions.

K.

a. The person(s)
    i. Name(s)

c. Prepayment. If fees are expected to exceed $25 or the requestor has not paid prior fees, the Records Officer may require the requestor to prepay the fees based on an estimate.

d. Fee Waiver. Any requested fee waiver will be reviewed by the Records Officer. The Records Officer determines whether to waive the fee based on the following standards, in accordance with GRAMA, but is based on the totality of the circumstances and within the discretion of the Records Officer.

   i. The release of the Record primarily benefits the public rather than a person.

   ii. the individual requesting the Record is the subject of the Record, the parent or legal guardian of the subject who is an incapacitated individual or unemancipated minor, or someone with power of attorney from the subject of the Record. and

   iii. the requester's legal rights are directly implicated by the information in the Record, and the requester is impecunious.

e. Failure to Pay. The failure to pay a GRAMA fee can be grounds for the denial of future GRAMA requests and the failure to prepay the fee when requested also may result in the Records Officer not producing the Records.

D. Reasons for Denying a Request for Access to Records. A Records access request will typically be denied for the following reasons (but the GRAMA statutei o tatut i wReii u

2. Private Recordə The requested Record is a Private Record and the requestor is not the subject of the Recordə
3. Protected Recordə The requested Record is a Protected Record under GRAMAɗ unless the Record pertains to the person who submitted the Record or has power of attorney or a notariθed release to receive the Recordɗ and can also be received by court ordersɗ and legislative subpoenas ɥUtah Code ls 8ŋGɬĥɬŋ38ɦɥ
4. Controlled Recordə The Record includes medicalɗ psychiatricɗ or psychological informationɗ and specific requirement ş c tgc ş c te ls 8ŋy ɗ ɳ g

information¢ SUU may not make redactions related to claims of business confidentiality¢ Redactions are made by the submitting entity and not SUU¢ and any challenge to the scope of the redactions should not involve SUU as a party¢ ¡Utah Code ¦s 8ŋG‡ȟ‡ŋ3À¢ɦ

monitor GRAMA requirements¢ and any relevant guidance from the Utah Division of Archives and Record Services in the Classification¢ Designation¢ and coordinate with relevant administrators on the