

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:  
ACCESS TO SCHOOL RECORDS**

**DBAA**

**PURPOSE OF THE POLICY**

This policy is adopted pursuant to the Government Records Access and Management Act Utah Code Ann. (1991) § 63-2-701 (GRAMA) and is intended to apply to all schools in the District relating to information practices, including classification, access, appeals, management and retention of documents and shall be filed, together with any amendment thereto, with the state archives no later than thirty (30) days after its effective date.

**APPROPRIATE REQUESTOR OF RECORDS**

A person may request access to the District's records if that person meets the requirements set forth in this policy and submits a written request containing the requestor's name, mailing address, daytime telephone number, a specific description of the records requested and showing the requestor's status as one entitled to access to such records.

Utah Code Ann § 63-2-204(1)

**RECORDS ADMINISTRATOR**

Superintendent is hereby designated as Records Administrator of the District.

**ACCESS TO PRIVATE RECORDS**

Upon an appropriate written request from the subject of the records, or the parent or legal guardian of an unemancipated minor who is the subject of the record, the District shall disclose private records and other private data only to the subject of the record, or the parent or legal guardian of an unemancipated minor who is the subject of the record, or the legal guardian of a legally incapacitated individual who is the subject of the record, or any individual who has a power of attorney from the subject of the record, or who submits a notarized release from the subject of the record, or his legal representative which is dated not more than thirty (30) days before the date the request is made, or pursuant to order of a court of competent jurisdiction to disclose such record.

Utah Code Ann. § 63-2-202(1)

Issue Date: 3-10-92

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## **PRIVATE DOCUMENTS**

The District hereby designates all documents identified in ^ 63-2-302 (1) through (11) as "private data," including specifically but not limited to:

1. All personnel records contained in a personnel file, applications, nominations, recommendations, or proposals for employment, advancement or appointment;
2. Any employee evaluation or document related to or used in connection with an evaluation;
3. Records showing military status;
4. Records touching upon an individual's eligibility for unemployment benefits, social services, or welfare benefits;
5. Records touching upon an individual's personal finances; or
6. Records touching upon any individual's medical or psychological condition, past or present.

However, official records showing formal criminal charges against an employee and action are not private unless in the discretion of the District records officer or the Superintendent the charges are groundless or the charges are not sustained.

## **CONFIDENTIAL RECORDS**

The District hereby designates as confidential any record, which contains medical, psychiatric or psychological data about any individual and which would be detrimental to the subject's mental health or for the safety of that individual to disclose.

## **ACCESS TO CONFIDENTIAL RECORDS**

Upon an appropriate written request to the Records Administrator of the District, the District shall provide access to confidential records to a physician, psychologist or certified social worker upon the submission of a release from the subject of the record that is dated not more than 30 days prior to the request or upon an order from a court of competent jurisdiction. All copies made from such records shall be marked "confidential" and disclosure limited to the subject of the record and his medical professional.

## **PROTECTED RECORDS**

The District hereby designates as “protected data” all records identified in Utah Code Ann. § 63-2-304, including but not limited to:

1. Any document disclosing a trade secret;
2. Test questions;
3. Any document the disclosure of which may give an unfair advantage to a person or entity proposing to enter into a contract;
4. Records touching upon the value of real property owned by the District;
5. Teacher certification records;
6. Any record that may jeopardize the life or safety of an individual if disclosed;
7. Any records which may jeopardize the security of District property or programs;
8. Records touching upon audits, audit techniques, procedures and policies;
9. Records touching upon issues of potential litigation;
10. Records touching upon collective bargaining strategy;
11. Records touching upon occurrences covered by the Division of Risk Management;
12. Records touching upon deliberations of the Board of Education acting in a judicial or review of prior decision capacity; or
13. Records touching upon evaluations, appointment, retention decisions, or promotions generated in a meeting closed in accordance with the Utah Open and Public Meetings;
14. Records not placed in an employee’s personnel file, which are maintained by administrators.

## **ACCESS TO PROTECTED RECORDS**

Upon an appropriate written request from the subject of the records or a person having a power of attorney or holding a notarized release from the subject of the record, or from a court of competent jurisdiction, the District shall provide access to such records only to such persons and all copies made from such records shall be marked, "confidential."

## **STUDENT RECORDS**

Student records shall be designated "education records" and the disclosure of such education records shall be governed pursuant to 20 U.S.C. § 12-32 (g) and 34 C.F.R. § 99, et seq., and 34 C.F.R. § 300, et seq. The District may not release information related to educational records without parental consent, except as provided by the Family Education Rights and Privacy Act (FERPA). (See policy FE with respect to student records).

All student records shall be designated as "protected data" under Utah Code Ann. § 63-2-202 (3).

## **FEES AND SEARCH AND/OR DUPLICATION OF RECORDS**

A fee shall be charged for the District's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record as follows:

1. Ten cents per page for each single sided copy and twenty-five cents per page for each double sided copy;
2. Ten dollars per hour for the time spent by any District personnel searching for and compiling documents for copying. However, no fee may be charged for; (a) making a record available to be viewed in the same context that the record is kept in the regular course of carrying on business to determine whether the record is subject to disclosure or; (b) the requestor's inspecting the record.
3. An additional charge of ten dollars shall be charged per each page of a document, which as been requested to be certified.

Utah Code Ann. § 63-2-203

## **COPYRIGHTED OR PATENTED MATERIALS**

Any document, which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark or other protective designation, shall not be copied or provided to any person without an order of a court of competent jurisdiction ordering such disclosure.

## **PROCEDURES**

Each requestor shall submit a written request specifically identifying those documents requested. The request shall specifically state whether the documents sought are: (a) to be copied; or (b) identified to determine whether they are subject to disclosure; or (c) to be allowed to inspect a specific record. In the event that a document is specifically identified and designated for copying, the requestor shall submit sufficient funds with the written request to pay for all copies requested to be copied.

## **RESPONSE TIMES**

The District shall respond to the request to copy within fifteen days. The District hereby finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in § 63-2-204 of GRAMA and therefore it ops these alternative time periods. The District shall respond to an appropriate request by:

1. Approving the request and providing the records;
2. Denying the request;
3. Notifying the requestor that it does not maintain the records; or
4. Notifying the requestor that extraordinary circumstances exist which make it impractical to approve or deny the request and specifying the earliest time when the records will be available.

## **TIME LIMIT FOR APPEALS**

In the event that the District either denies access or the right to copy a requested document, the requestor shall submit an appeal of the request to the Board of Education of the District in writing which specifically states the documents, which have been designated for copying or for inspection, the date of the request, the date of the denial of the request, all circumstances surrounding the denial, the reasons stated for the denial, and attaching a copy of any funds, which have been submitted to pay for copies if copies have been requested. The Board of Education shall respond to such request within thirty days after the requestor has submitted the appeal to the Board of Education. The Board of Education shall submit a written response either granting the requestor's request or affirming the denial of the request for documents.

Utah Code Ann. § 63-2-701(3) & (4)

## **MANAGEMENT**

Documents shall be managed by the administrative staff in each school and by each separate department of the district office.

## **RETENTION**

All public, private, confidential and protected documents must be maintained by the District for a least seven years, after which the District may discard, destroy or dispose of any such documents.

## **PRIVILEGED DOCUMENT**

The District reserves the right to claim a privilege with respect to all documents which are subject to attorney work product, attorney-client, physician-patient, psychiatrist-patient or other statutory privilege.

## **EVALUATIONS**

All evaluations and other personnel records are hereby designated as protected records and it is hereby determined that disclosure of such document would constitute a clearly warranted invasion of personal privacy.

## **JUDICIAL REVIEW**

Any party may appeal the Board of Education's decision to the district court in the county where the District is located. The petition shall be filed no later than fifteen days after the date of the Board of Education's decision or order.

## **RIGHT TO SEE PUBLIC RECORDS**

Except as otherwise set forth herein, District documents are "public" documents and every person has the right to inspect and to take a copy from 9:00 A.M., to 3:00 P.M., subject to the provisions of this policy.

Utah Code Ann. § 63-2-201

## **RIGHT TO COPIES**

If an appropriate requestor requests to have copies of more than 50 copies of records, the District in its sole discretion may provide the requestor with facilities to make copies and require the requestor to make copies himself at his own expense.

Utah Code Ann. § 63-2-201(6)