



Policy: GRAMA & Records Retention	Effective Date: July 1, 2017
Number: 710-3-003	Reviewed/Revised: July 2022
Authorized By: Jill Remington Love, Executive Director	
Authority: Utah Code 63G-2	

Purpose:

The Department of Cultural and Community Engagement (CCE) is committed to maintaining a work environment that is safe, empowering, and promotes the individual value of each of the Department’s employees. The Department is required to comply with the Government Records Access and Management Act (GRAMA,) which is a comprehensive law dealing with the management of records. CCE is committed to transparency and accountability while also respecting individual privacy.

Policy:

In all instances where a public request for CCE documentation is made, CCE will defer to the language in GRAMA (Utah Code 63G-2). However, the Department has established an internal procedure for processing requests, including in what format and to whom requests are directed. This policy also clarifies the retention of electronic communications.

A. Requests

To request records held by CCE, a GRAMA form must be completed and signed. This form is available online at (<http://heritage.utah.gov/dha/public-information-grama>) or a similar form may be used at the discretion of the Department Records Officer. This form may be submitted in paper or electronic form to the Department Records Officer (Public Information Officer). Additional information about GRAMA and the process is also available from the Attorney General’s website.

Requesting entities and/or individuals may directly contact the CCE Records Officer for a copy of the form. To avoid unnecessary charges or delay, requestors are encouraged to provide the most detailed description possible of the information sought.

B. Oversight

Division directors shall designate one individual as the division records coordinator, who will work with the CCE Records Officer on requests. All GRAMA requests will be handled by CCE Records Officer, which is the PIO whenever possible. CCE's Records Officer will inform requesting entities and/or individuals of the State's GRAMA policy, distribute the request to the appropriate responding division, ensure a timely CCE response and maintain all GRAMA logs and documentation. The CCE Records Office is responsible for issuing the official response to GRAMA requests.

C. Cost

GRAMA is intended to provide transparency and provides for appropriate public access to records, but does not impose an undue burden on public agencies.

- Entities and/or individuals making GRAMA requests **may** be charged 25 cents per copy. The amount charged for copies shall increase when warranted, taking into consideration the cost of paper, ink, copier wear and maintenance.
- Entities and/or individuals making a GRAMA request shall not be charged for the first 15 minutes of staff time spent fulfilling the request. For any employee time after the first 15 minutes, including, but not limited to, file search, photocopying, and re-filing documents, an hourly charge **may** be issued, not exceeding the salary of the lowest paid employee, who in the discretion of the custodian of records, has the necessary skill and training to perform the request, per statute.
- All employees fulfilling the GRAMA request will complete a dated log, indicating the number of copies made and employee time spent on fulfilling the request.
- Requestors will receive a detailed GRAMA receipt, indicating the number of copies and employee time spent fulfilling the request.

D. Timeframe

If the agency denies the request, the requestor can appeal to the Executive Director of the Department. The Executive Director has five business days to respond to the requestor.

Examples of extraordinary circumstances are:

- Another agency is using the records
- The records are part of an audit
- Request is for a voluminous quantity or large scope of records
- Agency is processing large quantities of such requests

E. Retention of Electronic Records

Email, text messages, and other electronic records will be considered public records when they meet the standards of a record under GRAMA rules. This includes any electronic communication that is required by law to be retained or is useful in conducting state business. Generally, when any form of electronic communication is used to conduct state business, it is considered a record.

Every email and other electronic communication that is considered a record should not be destroyed, except in accordance with the applicable archival retention policy. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom he/she is working are not records under GRAMA.

As with all other records under GRAMA, every electronic communication that is a record under GRAMA is presumed to be public, unless it fits within one of the descriptions of records that are permitted or required to be classified as "private," "controlled," or "protected" as defined by Utah Code Ann. §§ 63G-2-302, 303, or 304.

An email or other electronic communication that contains only a personal message is not a record under GRAMA. If a personal message also contains information that fits the definition of a record under GRAMA, the portion constituting a record must be retained in some form (including context such as date, sender, and recipients) unless it (1) is a duplicate and the original is retained, or (2) it can be deleted without violating the applicable archival retention policy.

Email that falls within the category of "Transitory Correspondence" under the retention policy, a category that includes "most day-to-day office and housekeeping correspondence" is required to be kept only until the administrative need for the document ends.

By contrast, "Policy and Program Correspondence" — i.e., those records that "document material discussions and decisions made regarding all agency interests" — must not be destroyed, and should be retained until the administrative need ends and then should be transferred to the State Archives Office. Each staff member is responsible for determining which of his or her emails constitute "Policy and Program Correspondence," which may not be deleted, and which constitute "Transitory Correspondence," which may be deleted.

Any email that is saved to a paper or electronic file or disc (or in any other acceptable format) may be removed from the email system at any time provided the saved copy is not destroyed, except in accordance with the applicable retention schedule. An acceptable format preserves at least the following contextual information: sender and recipient names (if sender and/or recipient is identified by a code, nickname, or distribution list, the full names associated with the code, nickname, or list must be retained with the email record), document title or subject line, and the date received or sent.

Please note that all email generated and/or received through the state's email system carries the potential of being used to respond to a GRAMA request or legal discovery. Therefore, employees are strongly encouraged to limit their use of state email to the state's business.