

# **CACHE MOSQUITO ABATEMENT DISTRICT RECORDS MANAGEMENT POLICY**

## **ARTICLE I BOARD POLICY**

The Cache Mosquito Abatement District (CMAD) Board of Trustees intends that CMAD records are managed in an efficient, responsible manner and that fair and timely public access to information contained in said records is made available while protecting individual privacy rights in relation to personal data gathered by the District. The Board of Trustees directs that guidelines be developed regarding maintaining, classifying, preserving, accessing, and destroying district records in compliance with the Government Records Access and Management Act (GRAMA) in the *Utah Code* 63-2-101 through 63-2-1001.

## **ARTICLE II RECORDS MANAGEMENT OFFICER**

The administrative manager shall be the records officer for the Board of Trustees and shall be certified annually by the Utah State Archives per *Utah Code* 63G-2-108.

## **ARTICLE III RECORDS CLASSIFICATION**

The presumption is that all records are considered public unless specifically provided otherwise. After considering statutory classifications and balancing rights of access and of privacy, records may be designated or classified as PUBLIC, PRIVATE, PROTECTED, or CONTROLLED.

The Utah Government Records Access and Management Act (GRAMA) establishes that government records will be grouped into four primary classification categories. These categories are: PUBLIC, PRIVATE, CONTROLLED, and PROTECTED.

These record classification categories are used to preserve both citizens' rights of access and privacy. The District recognizes two constitutional rights:

The public's right of access to information concerning the conduct of the public's business; and

The right of privacy in relation to personal data gathered by governmental entities.

GRAMA recognizes that some materials maintained in government agencies may not be considered a record, and therefore are not to be designated or classified. Some agency documents and materials may be copyright protected; however, if they meet the definition of a record they are covered by this policy as well as protected by copyright law. A record may contain items of information or data that are public and other data that are private or protected or both. The

designation and classification processes allow the District to segregate public information within a single record from that which is not public.

GRAMA permits the use of an informal Record Designation Process in order to minimize labor requirements. The Designation Process is used as an initial tool for determining and assigning classification categories to record series. It is considered to be an informal process because it postpones the detailed examination needed to formally classify a record. The formal classification process does not have to be done until access to a record is actually requested.

At any time an agency may designate, classify, or change the designation or classification of a particular record, record series, or data within a record.

The records management officer shall inform the State Archives no later than July 1 of each year of the classification of any new records series created during the previous twelve months.

**Public records** shall include:

- Official minutes, actions, and decisions of the Board of Trustees unless the record involves information which is classified as private, controlled, or protect.
- Official District policies, contracts, minutes, and accounts.
- Names, gender, job titles, job descriptions, business address, business telephone numbers, number of hours worked per pay period, gross salaries, assigned hour of work, and dates of employment of all current and former employees.
- Documents showing formal criminal charges against an employee.
- Records showing formal charges or disciplinary actions against past or present employees.

Public records shall be open for public inspection upon appointment with the clerk since there are no regular office hours.

**Private records** shall include:

- Personnel files including applications, nominations, recommendations evaluations, and proposals or advancements or appointments.
- The names of applicants and finalists for administrative positions.
- Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical condition, diagnosis, or military status.

Private records shall be open to the subject of the record and other authorized individuals or agencies.

**Controlled records** shall include records containing medical, psychiatric, or physiological data on an individual, which, if disclosed, could be detrimental to the individual's mental health or safety. Controlled records shall be open only to authorized persons or agencies but are not open to the subject of the record.

**Protected records** shall include:

- Any information that, if disclosed, would jeopardize the life or safety of an individual or security of district property or programs.
- Documents that, if disclosed, would place the district at a disadvantage in contract negotiations, property transactions, or bargaining position or could enable circumvention of an audit.
- Records related to potential litigation or personnel hearings.
- Records generated in meetings which are closed in accordance with the Utah Open and Public Meetings Law.
- Other records identified by law.

Protected records shall be open only to authorized individuals and agencies or in response to court order.

#### **ARTICLE IV ACCESS TO DISTRICT RECORDS**

Requests to view district records shall be addressed to the records officer during regular business hours.

Individuals requesting to view records classified as private, controlled, or protected shall be required to submit their request in writing. Requesters must prove their right to access records through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.

The records officer shall determine whether access to the requested record/s is to be granted or denied:

- If the request is approved, the record/s shall be provided as soon as possible and not more than ten business days from the date the request was received.
- If the request is denied, the records officer must specify the reason, and the requester shall be informed of the right to appeal.

#### **ARTICLE V APPEALS PROCESS**

Appeal to the District administration:

- The requester shall file a written request for a hearing with the Chairman of the Board of Trustees within thirty (30) business days of the denial. Failure to file an appeal within the period shall constitute a waiver of the right to appeal.
- Within twelve (12) days after the receipt of the written appeal, the chairman shall appoint a hearing officer, schedule a mutually convenient date, time, and location for the hearing and notify all parties.
- The requester has the right to be represented by legal counsel at the hearing. If the requester is to be represented by legal counsel, the Board of Trustees must be notified at least ten business days in advance of the hearing. If the requester has legal counsel present at the hearing, the administration may also be represented by legal counsel.

- Within five business days of the hearing, the chairman shall send a written decision to the requester of the action recommended together with the notice of right to appeal to either the Records Committee or the First District Court within thirty (30) days after receiving the Board's decision.

**ARTICLE VI  
RETENTION OF DISTRICT RECORDS**

The District shall adhere to the general schedule for records retention approved by the State Records Committee.

Records that are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.

**ARTICLE VII  
FEES AND DUPLICATION OF DISTRICT RECORDS**

The District will charge a fee for duplicating district records.

Single page	8½ x 11	\$0.10/page
Two-sided page	8½ x 11	\$0.15/page
Single page	8½ x 14	\$0.15/page
Two-sided page	8½ x 14	\$0.20/page
CD	800 Mb	\$1.00/CD

In addition, a search taking more than 15 minutes will be assessed \$12.50 per hour (assessed in 15 min increments) for the time spent by any district personnel compiling documents for copying.

An additional charge of \$1.00 shall be charged per each page of a document which has been requested to be certified.

The district shall not allow duplication of copyrighted materials.

Approved the 27<sup>th</sup> day of March, 2008. /s/ Perry Spackman  
chair

Attested by: /s/ Terrie L. Wierenga  
Terrie Wierenga, clerk

Updated January 24, 2013 /s/ Elaine Nelson /s/ Terrie Wierenga  
chair administrative manager