

R993-1. Purpose: To provide policy related to State Board of Regents and Office of the Commissioner records access and management matters pursuant to the Government Records Access and Management Act (GRAMA), Utah Code Title 63, Chapter 2.

R993-2. References

- 2.1. Utah Code §63-2-204(2) (Rules for Requests for Records)
- 2.2. Utah Code §63-2-904(2) (Rulemaking Authority)
- 2.3. Utah Code Title 53B, Chapter 16, Part 3 (Higher Education – Restricted Records)
- 2.4. The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), 20 U.S.C. Section 1232g
- 2.5. Policy and Procedures R132, Government Records Access and Management Act Guidelines

R993-3. Definitions

- 3.1. **Active Records:** Records that are required for day-to-day business and are subject to frequent use; generally referred to more than once per month per file drawer.
- 3.2. **Administrative Value:** In appraisal, the usefulness of records for the conduct of current and/or future administrative business needs.
- 3.3. **Agency:** An organizational entity of government, either executive, legislative or judicial, that is defined by law and has decision making authority. An agency can be an office, department, board, commission, or other separate unit.
- 3.4. **Appraisal:** The process of determining the value and thus the disposition of records based on their current administrative, fiscal and legal value; informational value; their arrangement and condition; their evidential and their intrinsic value; and their relationship to other records.
- 3.5. **Arrangement:** The order or relationship of individual files within a record series to each other, frequently reflecting the function of the record series to the organization, e.g., alphabetical, numerical by case number, alphabetical by address, or chronological.
- 3.6. **Business Unit Specific Schedule:** Retention schedule established by a records steward which specifies the approved disposition of a record series unique in purpose and function to its creating business unit.
- 3.7. **Classification:** "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under GRAMA Section 201(3)(b).

¹ Approved June 19, 1992; amended January 24, 1997, proposed replacement October 26, 2007.

- 3.8. Conversion of Records Formats:** The process of transferring records from one physical format to another. Conversion includes changing paper into microfilm, imaging, optical disks, or another electronic format.
- 3.9. Custody:** The guardianship of records and manuscripts which may include both physical possession (protective responsibility) and legal title (legal responsibility).
- 3.10. Designation:** "Designation," "designate," and their derivative forms mean indicating, based on the Records Officer's familiarity with a record series, the primary classification that a majority of records in a record series would be given if classified.
- 3.11. Data Administration:** developing and administering policies, procedures, practices, and plans for defining, organizing, protecting and efficiently utilizing data.
- 3.12. Disposition:** The final action that puts into effect the results of an appraisal decision for a series of records. Transfer to an archival repository, retain permanently in the agency, or destruction, are among possible disposition actions.
- 3.13. Evidential Value:** In appraisal, the value of a record that documents the activities of an organization or agency.
- 3.14. Exempt Records:** "Exempt records" are records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, such as, for higher education institutions, Restricted Sponsored Research/Technology Transfer Records (Utah Code Title 53B, Chapter 16, Part 3); and The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), 20 U.S.C. Section 1232g.
- 3.15. Fiscal Value:** In appraisal, records required until a financial audit is completed or financial obligations are fulfilled.
- 3.16. General Records:** Records that are common to many agencies within the same organization or type of government.
- 3.17. General Schedule:** Retention schedule which specifies the approved disposition of certain series of general records common to many agencies and serves as a model for agencies to evaluate similar record series.
- 3.18. GRAMA:** The Government Records Access and Management Act (GRAMA) is a comprehensive law dealing with management of government records. GRAMA states who has access to records and how the law is enforced. It is an attempt to balance the public's constitutional rights of access to information concerning public business, the individual's constitutional right to privacy when the government gathers personal data, and the public policy interest in allowing a government to restrict access to certain records for the public good.
- 3.19. Historical Value:** In appraisal, the value that documents the history of an organization. Sometimes referred to as, archival, continuing, or enduring value. Secondary Historical Value does not document the history of an organization, but recognizes a record containing information that is useful for conducting historical research.
- 3.20. Imaging:** Means electronic or "Digital" imaging; the ability to capture, store, retrieve, display, process, distribute, and manage information as a digitized representation of the original.

- 3.21. Inactive Records:** A series of records with a reference rate of less than one search per file drawer per month.
- 3.22. Information Management:** The application of planning and standards to the creation, use, retrieval, retention, conversion, disposition, and preservation of information resources in any format.
- 3.23. Information Systems:** A system which provides input, storage, processing, communication, output, and control functions in relation to information and data. This term is normally used to describe computer systems.
- 3.24. Informational Value:** In appraisal, the value of a record that provides unique and permanent information for purposes of research.
- 3.25. Inventory:** A survey of agency records and non-record materials that is conducted primarily to develop retention schedules and also identify various records management problems, such as, improper applications of record-keeping technology.
- 3.26. Legal Value:** In appraisal, the usefulness of records containing evidence of legally enforceable rights or obligations. Also refers to retentions specified by statute, rule, or regulation.
- 3.27. Permanent Records:** Indicates a disposition other than "destroy." Specifically, records would either be transferred to the State Archives or maintained permanently in office.
- 3.28. Record Series:** A group of identical or related records, files, documents and/or other media created by a business unit or records division that are normally used, indexed, or filed together, and that permit evaluation as a unit for retention and disposition purposes.
- 3.29. Records:** all books, papers, letters, documents, maps, plans, photographs, sound recordings, management information systems, or other documentary materials, regardless of physical form or characteristics, made or received, and retained by any public office under state law or in connection with the transaction of public business by the office under state law or in connection with the transaction of public business by the offices, agencies, and institutions of the state and its counties, municipalities, and other political subdivisions.
- 3.30. Records Coordinator:** The work unit or individual who implements the policy defined by the Records Steward and has responsibility for a business unit's records management daily operations.
- 3.31. Records Copy:** The original file copy of a record series maintained by the creating agency, sometimes referred to as the designated original.
- 3.32. Records Management:** The application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposition of records, undertaken to reduce costs and improve efficiency in record keeping. This includes management of filing and micro-filing equipment and supplies; filing and information retrieval systems; files, correspondence, reports, and form management; historical documentation; micrographics; systems applications; retention scheduling; and vial records protection.
- 3.33. Records Officer:** The individual appointed by the Commissioner whose responsibilities include the development and oversight of records management programs and who serves as OCHE's contact person with the state archives and State Records Committee.

- 3.34. Records Steward:** The individual who has policy level responsibility for determining how records will be created, used, maintained and stored by his/her business unit.
- 3.35. Records User:** Any person, including members of the OCHE staff, and anyone else such as contractors, consultants, interns, and temporary employees, who accesses and uses OCHE records.
- 3.36. Retention Period:** The period of time during which records are kept in the custody of the creating agency (including Records Center storage) before disposition occurs; usually in terms of years or contingent upon an event, such as an audit.
- 3.37. Retention Schedule:** A list or other instrument describing record series and their minimum retention periods.
- 3.38. State Archives:** The agency responsible for selecting, preserving, and making available, records determined to have permanent or continuing value. The building in which an archival repository is located. The Utah State Archives is a division within the Department of Administrative Services. The division name encompasses both the main offices on Capitol Hill and the Records Center in West Valley.
- 3.39. State Records Center:** A facility especially designed and constructed to provide low-cost, effective storage and retrieval service on inactive records, pending ultimate disposition. The Utah State Records Center is located at 2341 South 2300 West in Salt Lake City, UT. Their phone number is (801) 975-4016 and fax is (801) 974-0336. This facility is not open to the general public.
- 3.40. State Records Committee:** The State Records Committee has final authority for promulgating regulations and standards relating to the care of Utah government records. Created by the Public Records Act of 1953, the committee consists of representatives of: Local Government, State History, Media, Governor's Designee, Private Records Manager, State Auditor's Designee and a Citizen Member.
- 3.41. Vital Records:** Records essential to the continued functioning or reconstruction of an organization during and after an emergency and also those records essential to protecting the rights and interests of that organization and of the individuals directly affected by its activities. These are also called essential records. It is recommended that there be duplicates located off-site.

R993-4. Policy

- 4.1. Safeguarding Records:** Records users are responsible for safeguarding the integrity and confidentiality of all records to which they have access.
- 4.1.1.** Access to OCHE records is based on an OCHE business need to know. Users must preserve the confidentiality of personal data and other OCHE information, and access records only in a manner consistent with their job function.
- 4.1.2.** Users must report suspected violations to this policy to their manager, Records Steward or the Records Officer.
- 4.2. Records Divisions in the Office of the Commissioner:** There shall be three records divisions within the Office of the Commissioner: the State Board of Regents/Commissioner's Office Records Division, the Student Financial Aid Records Division, and the Utah Educational Savings Plan Trust Records Division.
- 4.2.1. Records Coordinator:** Each records division shall have an identified OCHE Records Coordinator, to provide for the physical care, maintenance, scheduling transfers of records to and

from the State Records Center, disposition of inactive records within the business unit, and transfer of permanent records to the State Archives.

4.3. Records Ownership and Classification: All records shall have an identified OCHE Records Steward, who is responsible for the identification of records within their business units, they shall provide to the Records Officer pertinent information regarding the records, such as, the purpose, description, arrangement, classification, appraisal, and format of the record copy.

4.4. Records Officer: The Commissioner shall appoint a Records Officer to develop and implement an agency records management program, provide training and coordinate with business unit Records Stewards and Records Coordinators to comply with the agency records program, conduct an annual inventory of agency records to determine compliance to approved retention schedules and to act as the contact for the State Archives.

4.5. Responsibility to Undertake the Various Requirements of GRAMA: The Records Officer shall undertake the various requirements of GRAMA, as follows:

4.5.1. Designation of Records: The Records Officer shall designate each record or record series in OCHE's custody, as either public, private, controlled, protected, restricted under Utah Code §53B-16-302, or otherwise exempt from disclosure under GRAMA 201(3)(b). The Records Officer shall report the designations to State Archives. (See GRAMA Section 306.)

4.5.2. Statement of Purpose for Collecting Information: When the Records Officer designates a record as private or controlled, the Records Officer must also file a statement with State Archives explaining the purposes for which the records are collected and used. (See GRAMA Section 601.) The Office may use the record only for the purposes listed in that statement. However, sharing of records with other governmental entities is allowed, subject to the restrictions of GRAMA Section 206.

4.5.3. Written Requests for Access to Records: All requests must be in writing and directed to the Records Officer, 60 South 400 West, Gateway Building 2, Salt Lake City, UT 84101. Requests must include: the requestor's name, mailing address, daytime phone number, if available; and a description of the record requested that identifies the record with reasonable specificity. (See GRAMA Section 204.)

4.5.4. Fees: If duplication, or compilation of records in a form other than that maintained by the agency, is necessary, the Records Officer may charge a fee to the requester of the records to cover the actual cost of duplicating or compiling the records. (See GRAMA Section 203(3).)

4.5.5. Segregation: The Records Officer may choose to segregate records or redact information within records that a future requester will be entitled to inspect, from records or information within records that the requester will not be entitled to inspect, in order to simplify the segregation process at the time the request for access is made. (See GRAMA Section 307.)

4.5.6. Access for Research Purposes: The Records Officer may make determinations regarding requests for access to records for research purposes, as provided by GRAMA Section 202(3).

4.5.7. Written Claim of Business Confidentiality: The Records Officer may accept a written claim of business confidentiality in a form specified by the Records Officer and subject to the Records Officer's review of the claim for reasonableness. (See GRAMA 304(2) and 308.)

4.6. Appeals of the Accuracy or Completeness of Personal Records: An individual may contest the accuracy or completeness of records concerning him or her. Appeals from such decisions are governed by the Utah Administrative Procedures Act (UAPA). (See Utah Code Title 63, Chapter 46b.) Appeals from such decisions shall be conducted informally rather than formally pursuant to R134, Informal Adjudicative Proceedings, under the Utah Administrative Procedures Act. (See GRAMA Section 603.)

4.7. Anonymity of Donors and Prospective Donors: A donor or prospective donor may request anonymity in writing. The written request shall be submitted to the Records Officer and shall be accompanied by a written statement which does not reveal the identity of the donor or prospective donor but which contains any terms, conditions, restrictions, or privileges relating to the donation, which information may not be classified protected by the Office of the Commissioner under GRAMA Section 304(36).

4.8. Appeals to the Commissioner: Appeals regarding questions of access to records shall be directed to the Commissioner. (See GRAMA Section 401.)

4.8.1. Weighing of Privacy and Access Interests: The Commissioner may weigh privacy interests against access interests and allow access to specific private or protected records if the interests favoring access outweigh the interests favoring restriction of access. (See GRAMA Section 201(5)(b).)

4.8.2. Intellectual Property Rights: The Commissioner shall make determinations regarding the duplication and distribution of materials held by all Records Divisions and for which the State Board of Regents or Office of the Commissioner owns the intellectual property rights, as permitted by GRAMA Section 201(10).

4.8.3. Sponsored Research and Technology Transfer: The Commissioner may restrict access to portions of technology transfer and sponsored research records for the purpose of securing and maintaining proprietary protection of intellectual property rights, or for competitive or proprietary purposes as a condition of actual or potential participation in a sponsored research or technology transfer agreement, as provided by Utah Code Title 53B, Chapter 16.

4.9. Records Officer Responsibilities: The Records Officer reports directly to the Information Security Officer (ISO). The Records Officer is responsible for coordination, review and approval of procedures used to provide access, store and maintain records. The Records Officer is responsible for coordinating compliance with this policy and shall:

4.9.1. Develop and maintain the records management policy, procedures, best practices and minimum requirements.

4.9.2. Educate and provide assistance in complying with this policy to Records Stewards, Records Coordinators and users. Provide guidelines consistent with OCHE policies, consultation, and assistance to work units and individuals regarding the use, maintenance, storage, and disposition of records.

4.9.3. Implement and enforce records management practices required by federal, state and local laws.

4.9.4. Conduct annual records management audits to ensure compliance, identify unscheduled records, assess format viability and appropriate retention schedules.

4.9.5. Assist OCHE and third party auditors in the analysis of work unit records management to further ensure policy compliance.

4.9.6. Monitor compliance with records management policy and procedures and report compliance violations to the relevant cognizant authority.

4.9.7. Act as the direct contact for the State Archives.

4.10. Records Coordinator Responsibilities: The Records Coordinator for each business unit is charged with the responsibility of coordination of records transfer to and from the State Records Center (SRC), and maintenance of the Retention Schedule Tracking spreadsheet.

4.11. Records Steward Responsibilities: The Records Steward is designated by the cognizant authority of the relevant group or work unit, is familiar with records issues, law and regulations, and shall:

4.11.1. Determine the purpose and function of the record.

4.11.2. Determine the level of security based on the content of the record.

4.11.3. Determine the level of criticality of a record.

4.11.4. Determine accessibility rights to records.

4.11.5. Determine the appropriate method of providing business continuity for Critical Records (e.g., records needed to continue service at an alternate site).

4.11.6. Specify adequate records retention, in accordance with OCHE policies, state and federal laws relating to records management.

4.12. Disciplinary Action: Violation of this policy may result in disciplinary action, including termination of employment. Staff members may appeal disciplinary action taken against them pursuant to policy R951.