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**SUBJECT: RECORDS ACCESS AND MANAGEMENT**

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I. PURPOSE: To provide policy related to Southern Utah University records access and management matters pursuant to the Government Records Access and management Act (GRAMA), Title 63, Chapter 2, Utah Code Annotated 1953.

A. References

1. 63-2-204(2), Utah Code Annotated 1953
2. 63-2-904(2), Utah Code Annotated 1953
3. 53B-7-201 through 205, Utah Code Annotated 1953
4. 53B-16-301 through 305, Utah Code Annotated 1953
5. The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment)
6. The Student Right-To-Know Act of 1990

B. Definitions

1. 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).
2. 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. 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, Reporting Salary Information (53B-7-201 through 205); Restricted Sponsored Research/Technology Transfer Records (53B-16-301 through 305); and The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment).

II. POLICY GUIDELINES



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- A. Records sub units in the University - There shall be three records sub units within the University: the business affairs, academic affairs and Student Affairs sub units.
- B. Records Officers - The President shall appoint a Records Officer for each sub unit to provide for the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of the records of the sub unit.
- C. Written requests for access to records - All written requests for access to records shall be directed as follows, and shall be made in a format as specified by the cognizant Records Officer.
  1. Business Affairs - Requests for records of the business affairs of the University shall be directed to the Records Officer of the Business Affairs sub unit.
  2. Academic Affairs - Requests for records of the academic affairs of the University shall be directed to the Records Officer of the Academic Affairs sub unit.
  3. Student Affairs - Requests for records of the Student Affairs area of the University shall be directed to the Records Officer of the Student Affairs sub unit.
- D. Officers responsible to undertake the various requirements of GRAMA - The various requirements of GRAMA shall be undertaken as follows:
  1. Designation of records - The Records Officer shall designate each record or record series retained by the sub unit as either public, private, controlled, protected, restricted under 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.)
  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.



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3. Weighing of privacy and access interests - The President 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. Appeals to the President - Appeals regarding questions of access to records shall be directed to the President. (See GRAMA Section 401.)
5. Fees - If duplication, or compilation of records in a form other than that maintained, is necessary, the cognizant Records Officer may charge a fee to the requestor of the records to cover the actual cost of duplicating or compiling the records. (See GRAMA Section 203(3)).
6. Access for research purposes - The cognizant Records Officer may make determinations regarding requests for access to records for research purposes, as provided by GRAMA Section 202(3).
7. Intellectual property rights - The President shall make determinations regarding the duplication and distribution of materials held by sub units and for which the University owns the intellectual property rights, as permitted by GRAMA Section 201(10).
8. Sponsored research and technology transfer – The President 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 sections 53B-16-301 through 305.
9. Written claim of business confidentiality - A 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.)
10. Segregation - A Records Officer may choose to segregate records or 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



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process at the time the request for access is made. (See GRAMA Section 307.)

- E. Appeals from individual contest 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). 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.)
  
- F. Anonymity of donors and prospective donors - A donor or prospective donor may request anonymity in writing. The written request shall be submitted to a 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).