

WEBER COUNTY CORRECTIONAL FACILITY

Volume

GENERAL PROVISIONS

Chapter

JA 05 - GRAMA: GENERAL REQUIREMENTS

Effective Date:

01-01-02

Review Date:

06-15-05

Pages

7

Approved

JA 05/01.00 GENERAL

JA 05/01.01 Purpose

JA 05/01.02 Cross Reference

JA 05/01.03 Distribution

JA 05/01.04 Definitions

JA 05/02.00 APPLICABILITY OF GRAMA

JA 05/02.01 Policy

JA 05/02.02 Rationale

JA 05/02.03 Procedure: Duties of Governmental Entities

JA 05/02.04 Procedure: Applicability to Counties

JA 05/02.05 Procedure: County May Adopt Ordinances

JA 05/03.00 INTENT AND FUNCTION OF GRAMA

JA 05/03.01 Policy

JA 05/03.02 Rationale

JA 05/03.03 Procedure: Meeting Intent of GRAMA

JA 05/03.04 Procedure: Remedies and Penalties

JA 05/04.00 NOTIFICATION AND INSTRUCTION

JA 05/04.01 Policy

JA 05/04.02 Rationale

JA 05/04.03 Procedure: Staff

JA 05/04.04 Procedures: Volunteers

JA 05/01.00 **GENERAL**

JA 05/01.01 **Purpose**

The purpose of this chapter is to provide an overview of the applicability, intent, and function of the Government Records Access and Management Act (GRAMA) and the applicability of GRAMA to the Weber County Correctional Facility (WCCF).

JA 05/01.02 **Cross Reference**

Chapter 2; Title 63; Utah Code Annotated

JA 06 - GRAMA: Classification of Records

JA 07 - GRAMA: Access to Records

JA 08 - GRAMA: Denials and Appeals

Utah Jail Standards:

- B 02.01.01 Policy and Procedure Directives Required
- B 02.01.02 GRAMA Requirements
- B 02.01.03 Duty to Classify Records
- B 02.02.01 Public Access
- B 02.02.02 Prisoner Access
- B 02.02.03 Government Access
- B 02.03.01 Records Restricted by Statute
- B 02.03.02 Records Restricted for Operational Necessity
- F 06.01.01 Policy and Procedure Directives Required
- H 01.03.01 Confidentiality
- J 07.03.02 Rules and Orientation

JA 05/01.03 **Distribution**

- A. In addition to the standard distribution, provide copies of this chapter to:
 - 1. Weber County Sheriff's Office Records Bureau;
 - 2. WCCF Records Bureau;
 - 3. the WCCF GRAMA Coordinator; and
 - 4. the Weber County Attorney's Office.
- B. This series, chapters JA 05 through JA 08 are not chapters of which individual staff members must have a working knowledge. It is only necessary that each staff member understands that all requests from outside entities (i.e., public, news media) for records must be immediately routed to the GRAMA Coordinator.

JA 05/01.04 **Definitions**

classification, under classify	under Subsection 63-1-103 (3), “mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Subsection 63-2-201 (3)(b)”
controlled record	any record containing data on individuals that is controlled as provided by § 63-2-303
designation, designate	under Subsection ye-1-103 (7), “mean indicating, based on a governmental entity’s familiarity with a record series based on a government entity’s review of reasonable sample of a record, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.”
governmental entity	under Subsection 63-1-103 (9) (v), includes county government
GRAMA	Government Records Access and Management Act, Chapter 2, Title 63, Utah Code Annotated
person	as used in this directive means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization
private record	any record containing data on individuals that is private as provided by § 63-2-302
protected record	any record that is classified protected as provided by § 63-2-304
public record	any record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63-2-201 (3)(b)
requester	the person making a request for records
WCCF	Weber County Correctional Facility
UCA	Utah Code Annotated
volunteers	persons authorized by the WCCF administration to provide educational, treatment, counseling, religious or other services to prisoners

JA 05/02.00 **APPLICABILITY OF GRAMA**

JA 05/02.01 **Policy**

It is the policy of the WCCF that records access and management will be consistent with the requirements of the Governmental Records Access and Management Act (GRAMA).

JA 05/02.02 **Rationale**

The WCSO is required by Chapter 2, Title 63, to comply with GRAMA.

JA 05/02.03 **Procedure: Duties of Governmental Entities**

- A. UCA § 63-2-903 requires that the “Chief Administrative Officer” of Weber County shall:
 - 1. maintain a records program;
 - 2. appoint records officers to work with state archives in the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records;
 - 3. properly document the organization, functions, policies, decisions, procedures, and essential transactions of the county;
 - 4. submit to the state archivist proposed schedules or records for final approval by the State’s record committee;
 - 5. cooperate with the state archivist in conducting surveys made by the archivist; and
 - 6. meet all reporting, classification, and retention requirements required under GRAMA.
- B. The WCCF’s records, policies, and practices shall be consistent with that established by Weber County. The County’s GRAMA policy is in the Weber County Manual at Section 3, Page 6, Sub-paragraph 10, “Request for Information.”

JA 05/02.04 **Procedure: Applicability to Counties**

UCA §§ 63-2-701 and 63-2-903 make the provisions of GRAMA applicable to county government.

JA 05/02.05 **Procedure: County May Adopt Ordinances**

- A. UCA 63-2-701, provides that Weber County may adopt ordinances and policies relating to information practices including classification, designation, access denials, segregation, appeals, management, retention, and amendment of records.

- B. This chapter of the WCCF Manual is not intended to fulfill the requirements of UCA 63-2-701. That responsibility is given to Weber County's governing officials. Rather, the intent of this chapter and its companion chapters, JA 06, "GRAMA: Classification of Records," JA 07, "GRAMA: Access to Records;" and JA 08, "GRAMA: Denials and Appeals," is to provide information, guidance, policies, and procedures specific to implementing GRAMA in the WCCF.

JA 05/03.00 **INTENT AND FUNCTION OF GRAMA**

JA 05/03.01 **Policy**

It is the policy of the WCCF that policies and procedures will be compliant with the intent of GRAMA.

JA 05/03.02 **Rationale**

The WCCF is required by Chapter 2, Title 63, to comply with GRAMA. It is also the intent of the WCCF administration to avoid the penalties which may result from failure to comply with GRAMA requirements.

JA 05/03.03 **Procedure: Meeting Intent of GRAMA**

- A. There are numerous options under GRAMA for meeting records and information requirements. The stated intent of GRAMA at § 63-2-102 is to balance “the **public’s the right of access to information** concerning the conduct of the public’s business,” with “the **right of privacy** in relation to personal data gathered by governmental entities.”
- B. GRAMA also recognizes a “public interest in allowing government to restrict access to certain records . . . for the public good.”
- C. The stated intent of the Legislature in GRAMA is to:
 - 1. promote easy public access to records;
 - 2. specify the conditions for denying access to the public;
 - 3. to prevent abuse of governmental confidentiality claims;
 - 4. to favor public access over restricting access; and
 - 5. to establish “fair and reasonable” practices.

JA 05/03.04 **Procedure: Remedies and Penalties**

A. **Criminal Penalties**

Under UCA § 63-2-801, it is a **class B misdemeanor**:

- 1. for a public employee or other person who has lawful access to any private, controlled, or protected record to **intentionally disclose** or provide copy of the record to any person knowing that such disclosure is prohibited;

2. for a person under false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which he is not legally entitled; or
3. for a public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from any governmental entity, the State's records committee, or a court.

B. Injunction—Attorneys' Fees

1. A district court may enjoin Weber County if it violates or proposes to violate the provisions of GRAMA.
2. A district court may assess against Weber County reasonable attorneys' fees and other litigation costs reasonably incurred in connection with a judicial appeal of a records request if the requester substantially prevails.
3. For additional information concerning the award of attorneys' fees and costs refer to § 63-2-802 and Title 63, Chapter 30, Governmental Immunity Act.

C. No Liability for Certain Inadvertent Releases

Under § 63-2-803, neither Weber County nor any of its employees are "liable for damages resulting from the release of a record where the person or government requesting the record presented evidence of authority to obtain the record even if it is subsequently determined that the requester had no authority."

D. Disciplinary Action

Under § 63-2-804, the Weber County Sheriff's Office may take disciplinary action which may include suspension or discharge against any employee who intentionally violates any provision of GRAMA.

JA 05/04.00 **NOTIFICATION AND INSTRUCTION**

JA 05/04/.01 **Policy**

It is the policy of the WCCF that staff shall be provided policies and procedures and training concerning the requirements of GRAMA.

JA 05/04.02 **Rationale**

Neither Weber County nor the employees of the WCCF can comply with the requirements of GRAMA nor can be adequately protected from the remedies and penalties discussed in JA 05/03.04, "Procedure: Remedies and Penalties," unless the requirements of GRAMA are made known to staff.

JA 05/04.03 **Procedure: Staff**

A. **Policies and Procedures**

1. JA 05, "GRAMA: General Requirements"; and JA 06, "GRAMA: Classification of Records"; JA 07, "GRAMA: Access to Records"; and JA 08, "GRAMA: Denials and Appeals," provide written direction to staff concerning GRAMA requirements.
2. In addition to JA 05-08, various other chapters in this manual provide specific reference to GRAMA requirements.
3. WCCF officials shall make available to staff the policies and procedures governing GRAMA requirements.

B. **Training**

The WCCF should provide periodic training to staff members concerning GRAMA requirements.

JA 05/04.04 **Procedure: Volunteers**

- A. Volunteers, though not employees, in some cases may have access to controlled, private, and/or protected information from WCCF files.
- B. It is important that volunteers understand that they cannot release any information to which they have access as a result of their volunteer status in the WCCF. At the very least, all volunteers should be required to read JA 05, "GRAMA: General Requirements before being permitted to provide services in the jail.