

WEBER COUNTY CORRECTIONAL FACILITY

Volume

GENERAL PROVISIONS

Chapter

JA 06 - GRAMA: CLASSIFICATION OF RECORDS

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JA 06/01.00 **GENERAL**

JA 06/01.01 **Purpose**

The purpose of this chapter is to provide the requirements of the Government Records Access and Management Act (GRAMA) governing classification of WCCF records.

JA 06/01.02 **Cross Reference**

Chapter 2; Title 63; Utah Code Annotated

JA 05 - GRAMA: General Requirements

JA 07 - GRAMA: Access to Records

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- B 02.01.01 Policy and Procedure Directives Required
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JA 06/01.03 **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 06/01.04 **Definitions**

classification, 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

JA 06/02.00 **DUTY TO CLASSIFY RECORDS**

JA 06/02.01 **Policy**

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

JA 06/02.02 **Rationale**

Classification of WCCF records is required under Chapter 2, Title 63, to be in compliance with GRAMA.

JA 06/02.03 **Procedure: Duty to Evaluate and Classify Records**

- C. 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; and
 - 3. meet all reporting, **classification**, and retention requirements required under GRAMA.
- B. UCA § 63-2-306 requires that Weber County shall:
 - 1. evaluate all records series that it uses or creates;
 - 2. designate those record series as required by GRAMA; and
 - 3. report the designations of its record series to the state archives.
- C. The WCCF’s records classification policies and practices shall be consistent with that established by Weber County.

JA 06/02.04 **Procedure: Determining When to Classify Records**

- A. UCA § 63-2-306 allows that WCCF officials may classify a particular record, record series, or information within a record **at any time, but it is not required** to actually classify a record **until access to the record is requested**.
- B. Certain records, record series, and other information should be classified prior to requests being made. The Jail Commander shall designate those records requiring pre-classification.

- C. Other records shall be classified following a request from the public. Given the limited number of GRAMA information requests which the WCCF receives, it would not be cost-effective to expend the resources necessary to classify every record, record series, or other information source.
- D. WCCF officials may re-designate a record series or reclassify a record, record series, or information within a record at any time; including, at the time of request.

JA 06/02.05 **Procedure: Segregation of Records**

- A. UCA 63-2-307, requires that when a request is made for a record which includes **both** information that the requester **is entitled** to inspect and information the requester **is not entitled** to inspect under GRAMA, “and, if the information is intelligible,” the WCCF:
 - 1. shall allow access to information in the record that the requester is entitled to inspect; and
 - 2. may deny access to information in the record if the information is exempt from disclosure to the requester.
- B. One means of meeting this requirement would be to redact or blackout any portions of the document which the requester is not entitled to inspect.

JA 06/03.00 **CLASSIFICATION OF RECORDS**

JA 06/03.01 **Policy**

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

JA 06/03.02 **Rationale**

Classification of WCCF records is required by Chapter 2, Title 63, to be in compliance with GRAMA.

JA 06/03.03 **Procedure: General**

GRAMA designates four basic types of records: **public** records, **private** records, **controlled** records, and **protected** records. GRAMA also recognizes certain records which are exempt from the general provisions of GRAMA.

JA 06/03.04 **Procedure: Records That Must Be Disclosed**

- A. GRAMA creates a right of access to the public of all government records except those which meet the statutory requirements for classification as private, controlled, protected, or otherwise exempt.
- B. GRAMA specifically lists various types of records which must be disclosed to the public. A list of sample public records can be found in UCA § 63-2-301.

JA 06/03.05 **Procedure: Determining Classification**

- A. Refer to §§ 63-2-302, 63-2-303, and 63-2-304 for guidance in classifying records, record series, and other information.
- B. If more than one provision of GRAMA could govern the classification of a record § 63-2-305 states the record should be classified after considering the nature of the interests intended to be protected and the specificity of the competing or conflicting statutory provisions.
- C. If there are serious questions concerning the proper classification of a record, a request should be made to the Weber County Attorney for assistance in interpreting the statute.

JA 06/03.06 **Procedure: Private Records**

- A. Refer to § 63-2-302 for a complete description of **private** records.

- B. **Private** records which might be found in WCCF records include, but are not limited to:
1. records concerning an individual's eligibility for various government benefits;
 2. medical or mental health records; and
 3. the home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions of any current or former employee or applicant for employment.
- C. Records which are **private** if properly classified as such by the WCCF, and not otherwise declared public under GRAMA include:
1. records concerning a current or former employee of, or applicant for employment, including performance evaluations and personal status information (e.g., race, religion, disabilities); and
 2. medical records.

JA 06/03.07 **Procedure: Controlled Records**

- A. Refer to UCA § 63-2-303 for a complete description of **controlled** records.
- B. **Controlled** records which might be found in WCCF records include, but are not limited to:
1. records containing medical, psychiatric, or psychological data about an individual; and
 2. records which WCCF officials reasonably believe:
 - a. releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or
 - b. releasing the information would constitute a violation of professional practice and medical ethics.
- C. Because correctional facilities house convicted and accused criminal offenders, most of whom are manipulative, aggressive, and/or dangerous security risks, it is necessary to protect many jail records, record series, and other information from being obtained by prisoners who could use the information to harm staff or other prisoners, compromise security, or to frustrate proper correctional management.

- D. Records which are **controlled** if properly classified as such by the WCCF, and not otherwise declared public under GRAMA, includes, but are not limited to psychological evaluations and mental health files.

JA 06/03.08 **Procedure: Protected Records**

- A. Refer to UCA § 63-2-304 for a complete description of **protected** records.
- B. **Protected** records which might be found in WCCF records include, but are not limited to:
1. trade secrets provided to the WCCF by a contractor or vender (refer to UCA § 63-2-308)l
 2. records the disclosure of which would impair Weber County procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with Weber County;
 3. test questions and answers to be used in future license, certification, registration, or employment examinations;
 4. records created or maintained for civil criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, or registration purposes, if release of the records:
 - a. reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
 - b. reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
 - c. would create a danger of depriving a person of a right to a fair trial or impartial hearing;
 - d. reasonably could be expected to disclose the identity or a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
 - e. reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with investigation or audit efforts;

5. records the disclosure of which would jeopardize the life or safety of an individual;
6. records the disclosure of which would jeopardize the security if governmental property, programs, or record-keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
7. records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole.
8. records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
9. records by or on behalf of a government entity solely in anticipation of litigation that are not available under the rules of discovery;
10. records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of Weber County and an attorney representing, retained, or employed by the government entity if the communications would be privileged as provided in § 78-24-8;
11. drafts, unless otherwise classified as public;
12. records concerning a Weber County's strategy about pending litigation;
13. records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of privacy, or disclosure is not in the public interest;
14. records provided by the United States or by a government entity outside the state that are given to Weber County with the requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure in retained by it; or
15. transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in § 52-4-7.

- C. Refer to § 63-2-304 for additional records and information which can properly be classified by Weber County as **protected**.
- D. Because correctional facilities house convicted and accused criminal offenders, most of whom are manipulative, aggressive, and/or dangerous security risks, it is necessary to protect many jail records, record series, and other information from being obtained by prisoners who could use the information to harm staff or other prisoners, compromise security, or to frustrate proper correctional management.

JA 06/03.09 **Procedure: Subpoenas and Court Ordered Discovery**

- A. UCA § 63-2-207 (1), provides, “Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedures are not written requests for purposes [of GRAMA] under § 63-2-204.”
- B. UCA § 63-2-207 (2), states, “Except as otherwise provided [under JA 06/03.09, ”Subpoenas and Court Ordered Discover”], in judicial or administrative proceedings in which an individual is requesting discovery of records classified as private, controlled, or protected under [GRAMA], or otherwise restricted from access by other statutes the court, or any administrative law judge shall follow the procedure in Subsection 63-2-202 (7) before ordering disclosure.”
- C. WCCF officials shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction provided that the judge complies with the provisions of Subsection 63-2-202 (7).
- D. Questions concerning release of documents pursuant to court order should be referred to the Weber County Attorney.