Additional GRAMA Working Group Policy Questions

1. Should there be a presumption of public access to government records?

2. Should the public have a right of access to information concerning the conduct of the public's business?

3. Should there be recognition of a right of privacy in relation to personal data gathered by governmental entities?

4. Are there non-privacy policy interests that should be recognized in allowing a government entity to restrict access to certain records?

5. Should GRAMA promote the public's right of easy and reasonable access to unrestricted public records?

6. Does GRAMA's specification of categories of non-public records assist in preventing the abuse of confidentiality by governmental entities?

7. Should GRAMA provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices?

8. Should GRAMA establish fair and reasonable records management practices?

9. Should public access be favored when, in the application of GRAMA, countervailing interests are of equal weight?

10. Should access to a government record depend on its content, rather than its physical form?

11. Currently, with some defined exceptions, a "record" is information that is reproducible, whether by photocopy, electronic, or other means, and that is prepared, owned, received, or retained by a government entity, regardless of its physical form or characteristics. Should that definition be changed?

12. Should text messages and instant messages that concern the conduct of the public's business be included within the definition of "records" under GRAMA?

13. Currently, a person denied access to a record held by a political subdivision may not appeal such denial to the State Records Committee unless the political subdivision provides for such review. Should requesters have a right of appeal to the State Records Committee from denials of access by political subdivisions?

14. Should a personal note or communication that is prepared or received by a legislator, employee, or officer of a government entity in their private capacity be excluded from the definition of a "record"?

15. Should a temporary draft or similar material that is prepared for the originator's use be excluded from the definition of a "record"?

16. Should a calendar or personal note prepared by the originator for the originator's personal use or for the personal use of an individual for home the originator is working be excluded from the definition of a "record"?

17. Should the personal files of a state legislator, including personal correspondence to or from a member of the Legislature, be protected?

18. Should a government entity be permitted to charge a reasonable fee to cover the government entity's actual cost of providing a record in response to a request?

19. Is the cost associated with providing public access to government records a price the public is willing to pay to have more open, transparent, and accountable government?

20. Does "output" from a government database constitute "generating a record" under GRAMA?

21. Is creating "output" from a government database the same as having to "compile, format, manipulate, summarize or tailor information," thus allowing government to charge the cost of staff time?

22. Legal question for a lawyer other than John Fellows or Jeff Hunt: During his presentation, Legislative attorney John Fellows said that the *Deseret News v. Salt Lake County* case decided by the Utah Supreme Court held that "if you're a public officer you have no expectation of privacy." Does the case really say that?