

Simplification & Centralization Subcommittee

May 11, 2011

Consensus Recommendations

1. Records officers for state agencies and political subdivisions should certify annually through online GRAMA training provided by the state archives.
2. Rule-making authority and resources should be specifically provided to the state archives to facilitate up-to-date training.
3. The state archives should maintain a Website with the name of every records officer in the state with an up-to-date record of their certification.
4. An office of the GRAMA ombudsman should be established within the state archives as a resource to requestors and responders. The GRAMA ombudsman should possess appropriate qualifications to provide expert guidance on GRAMA, including legal training.
 - a. The ombudsman would be a resource to inexperienced requestors.
 - b. The ombudsman would have authority to mediate disputes between requestors and responders.
 - c. Following guidance from the ombudsman might support a showing of good faith compliance by a responder -- but this provision need not be codified. Failure to use ombudsman should not be construed as lack of good faith. (See Recommendation 5)
 - d. Analogous to other similar positions, the ombudsman could be appointed by executive director of administrative services with the concurrence of state records committee.
 - e. The ombudsman would be required to provide an annual report to the Legislature regarding GRAMA and PMRA.
5. Amend Utah Code 63G-2-801 (Criminal Penalties) to provide good faith language. Good faith might be shown based on use of training, checklist, consultation with counsel and ombudsman, but these provisions need not be codified.

Under Consideration

Allow an appeal from all political subdivisions to the Records Committee with additional resources allocated to the Records Committee to facilitate increased remote participation. The subcommittee or task force should hear from representatives of political subdivisions, the media and citizen groups about concerns, if any, regarding possible costs involved with such an appeal.