

Cost & Timeliness Subcommittee

Conclusions & Recommendations

June 22, 2011

1. In the context of our discussion, we concluded that three categories of government records exist:

- a. **Records that are clearly public, that should be immediately available, at no cost.** Each branch, department, agency, and subdivision of government should be required by statute to identify these records and make them immediately available to the public, at no cost. We recommend that a central, searchable, on-line repository/database be created by the state to which these records can be uploaded and posted, available to anyone with Internet access. Precedent exists for this sort of repository, such as the www.transparent.utah.gov web site.

Associations representing government subdivisions and agencies can help make the initial recommendations regarding what records should fit in this category. Every few years government subdivisions and agencies should be required to review their records and add any appropriate records to this category. This category covers a large number of records and eliminates the issues of cost and timeliness for these records.

- b. **Records that are public, but will require time and effort to reformat.**
- c. **Private/protected records, that may include some public information, which will require review to determine what parts to make available.**

Categories b. and c. are those frequently resulting in disputes over cost and timeliness. We suggest:

- i. Establish by statute a standard fee formula, defining such things as full employee/labor costs (including benefits); lowest cost available employee; overhead and administration. Each government entity can then plug its own data into the formula to determine fees. This will make fees more standard and predictable.
- ii. Publish fees so they are available and transparent.
- iii. Allow current agency discretion on fee waivers or fee reductions, with quick appeal to the State Records Committee or courts if someone seeking records disagrees with the fees. Because it is impossible to anticipate every contingency or circumstance that might exist, it doesn't make sense to be too prescriptive regarding fee waivers or reductions.
- iv. Timeliness: We don't recommend significant changes to current statute. Deadlines must be reasonable, but with flexibility to deal with large, complex requests. Allow quick appeal to the State Records Committee. Publish and make available deadlines. Consider providing flexibility (more time) for part-time elected officials who must respond to a GRAMA request.

2. Other recommendations to improve the GRAMA process, reduce confusion, and encourage consistency.

- a. Require on-line and/or in-person GRAMA training, and/or GRAMA certification, for relevant employees at all levels of government to create more consistency in the application of the law.
- b. Provide and publicize at relevant government offices and on-line, easy access to information about how to navigate the GRAMA process (including appeals process), the rights of those requesting records, importance of privacy, etc.

- c. Create a GRAMA Request and Fulfillment Tracking System that tracks every GRAMA request through the process. The data would be uploaded by those assigned in agencies, and available on-line. After a few years, the database would be invaluable in understanding what is really happening with GRAMA, how long requests are taking, what fees are being charged, what agencies are outliers, what improvements need to be made, etc. Currently, most info about GRAM is anecdotal. This would provide good data.

Minority report: At least one subcommittee member was not able to support including administrative and overhead costs in GRAMA fees in any form. "Those costs are already covered by records management. City Hall still has to have its lights on whether someone makes a records request or not."