

CHAPTER 23. CITY RECORDS.

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1-23-1. Maintenance and access of records.

(1) It is the purpose of this Chapter, and it is in the best interests of Tooele City and the citizens thereof, and essential for the administration of city government, to:

- (a) maintain and preserve accurate governmental records;
- (b) provide ready access to records which are defined by law as open to the public;
- (c) maintain the security of records which are defined by law as private, controlled, protected, or otherwise confidential; and
- (d) ensure the preservation of vital and historically valuable records.

(2) As the records of the City are a resource containing information which allows government programs to function, provides officials with a basis for making decisions and ensuring continuity with past operations, and permits citizens to research and document matters of personal and community importance, it is the intent of this Chapter that this resource be systematically and efficiently managed.

(3) It is the policy of the City that all city records, which are defined by applicable Utah statutory and case law as public records, will be made available to citizens within a reasonable time after request and at a reasonable cost as set forth in this Chapter and GRAMA.

(4) Tooele City recognizes a public policy interest in allowing the government to restrict access to certain records for the public good.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-2. Compliance with Government Records Access and Management Act.

In enacting this Chapter, it is the purpose and intent of the City to acknowledge and comply with the Government Records Access and Management Act (“GRAMA”), Chapter 2 of Title 63G of the Utah Code Annotated (1953, as amended), and to provide for its application in the city.
(Ord. 2009-09, 10-21-09); (Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-3. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-4. Repealed. (Ord. 2008-03, 05-07-08).
(Ord. 92-09, 08-11-92)

1-23-5. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-6. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-7. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-8. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-9. Unwarranted invasion of personal privacy.

(1) The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The City also recognizes that GRAMA and Utah case law establish a presumption that governmental records will generally be considered open and public, unless otherwise properly classified. In circumstances where a record's classification is not clearly established by GRAMA or another statute, by this Chapter, or by policies established or classifications made under this Chapter, the public's right to access a particular record may be restricted where that access would constitute a clearly unwarranted invasion of personal privacy. In accordance with decisions of the Utah appellate courts, city records that have not been specifically made public by GRAMA, that refer to named or readily identifiable individuals, and that deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record shall generally not be classified as public records, and release thereof may constitute a clearly unwarranted invasion of personal privacy. In the same manner, certain data may be classified as private, controlled, or protected, although other data in the record, or the record itself, may be classified as public.

(2) The City may, as determined appropriate by the Records Officer, notify the subject of a record that a request for access to the subject's record has been made.

(3) When responding to a request for private records, the City shall require that the requester of records provide a written release, notarized within 30 days before request, from the subject of the records in question before access to such records is provided. (Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-10. Retention.

All city records will be retained according to retention schedules promulgated by the State of Utah. Nothing herein shall prevent the City from retaining a record for longer than required under the retention schedules.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-11. Written request.

Requests for records shall be submitted to the Records Officer upon a form approved by the City Attorney.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-12. Fees.

Fees shall be established by Resolution of the City Council and incorporated into a city fee schedule.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-13. Repealed. (Ord. 2008-03, 05-07-08);

(Ord. 92-09, 08-11-92)

1-23-14. Repealed. (Ord. 2008-03, 05-07-08);

(Ord. 92-09, 08-11-92)

1-23-15. Amendment of records.

Requests to amend records shall be submitted to the Records Officer.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-16. Disciplinary Action.

(1) City employees who knowingly refuse to permit access to records in accordance with GRAMA and this Chapter, who knowingly permit access to nonpublic records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of GRAMA, this Chapter, or other law or regulation, may be subject to criminal prosecution and disciplinary action, including termination.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-17. Records officer.

The City Recorder shall be the Records Officer for purposes of this Chapter, and shall oversee and coordinate records access, management, and archives activities.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-18. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-19. Maintenance procedures.

(1) Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve city records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creating, duplication, and disposal of city records. The Records Officer shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the Mayor.

(2) All city records shall remain the property of the City unless federal or state legal authority provides otherwise. Property rights to city records may not be permanently transferred from the City to any private individual or entity, including those legally disposable obsolete city records. This prohibition does not include the providing of copies of records otherwise produced for release or distribution under this chapter.

(3) Custodians of city records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the Records Officer.

(4) All records which are in the possession of any city department shall, upon termination of activities of such department, be transferred to any successor department, provided that such transfer is consistent with the formal provisions of such termination.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-20. Document formats.

(1) The City retains and reserves to itself the right to use any type of nonverbal or nonwritten formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security, and maintenance, to store and maintain city records.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-21. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-22. Appeals.

The Tooele City Mayor shall be the chief administrative officer for purposes of appeals under Utah Code Ann. §63G-2-401 of Tooele City records determinations.

(Ord. 2009-09, 10-21-09)