

**MINUTES OF THE
GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**

Tuesday, July 19, 2005 – 1:30 p.m. – Room W125 House Building

Members Present:

Sen. David L. Thomas, Senate Chair
Rep. Douglas C. Aagard, House Chair
Sen. Fred J. Fife
Sen. Brent H. Goodfellow
Sen. Mark B. Madsen
Rep. Glenn A. Donnelson
Rep. Carl W. Duckworth
Rep. Craig A. Frank
Rep. Neil A. Hansen
Rep. Ann W. Hardy

Rep. David L. Hogue
Rep. Fred R. Hunsaker
Rep. Carol Spackman Moss

Members Absent:

Sen. Parley Hellewell

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Eric N. Weeks, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Task Force Business

Chair Aagard called the meeting to order at 1:31 p.m. Sen. Hellewell was excused from the meeting.

MOTION: Rep. Hansen moved to approve the minutes of the June 14, 2005 meeting. The motion passed unanimously with Sen. Madsen and Rep. Hogue absent for the vote.

2. Government Data Compilations, Fees Above Costs for Data, and Privacy Rights for Data for Commercial and Noncommercial Purposes

Mr. Christensen and Mr. Weeks distributed and reviewed "Potential GRAMA and Data Manipulation and Fee Principles."

Mr. Randy Campbell, Records Officer, Utah Driver License Division, explained the process his division uses to disclose government records, stating that the information is available on their Web site. He responded to questions from the Task Force.

Mr. Thom Roberts, Assistant Attorney General, briefed the Task Force on the history of obtaining records for the division. He stated that 15 years ago, anyone could get driver license information on anyone in the state, including their personal information such as address, phone number, and Social Security number. He indicated that this is no longer the case.

Mr. Claron Brenchley, Director, Regulatory Services, Department of Public Safety, commented on the department's compliance with GRAMA requests.

Mr. David Monk, Beat the Bookstore, explained his reliance on obtaining information from public institutions regarding upcoming semester textbooks. He indicated that the booklist is sometimes difficult to obtain due to the competition his business creates for the on-campus bookstores.

Chair Aagard requested that staff review what records are being requested under GRAMA.

Mr. Gary Ott, Salt Lake County Recorder, indicated that individuals bring records to his office and pay to have them recorded. He stated that every record in his office is public and the individual submitting those records has no expectation of privacy. He indicated that records are bought and sold on the county's Web site.

Mr. John McGuire, Explore Information Services, explained how his organization obtains records and resells those records to insurance providers. He related the difficulties his organization has had in obtaining the necessary information in Utah to provide its services to its clients.

Mr. Scott Smith, Associate General Counsel, University of Utah, stated that the University makes every effort to compile and manipulate data when it is reasonable. He indicated that there is a threshold that gets crossed where it is unreasonable to compile large amounts of data and related examples.

Ms. Allison Hess, Weber State University, stated that government agencies can deny requests and that there is an appeal process when a citizen or entity feels that the request was unreasonably denied. She stated that the press is considered a public service, different than a private business, and should not be viewed as using records for commercial gain. She expressed concern for a fee being charged above cost.

Mr. Mark Burns, Assistant Attorney General, State Records Committee, indicated that the federal Freedom of Information Act does not mirror GRAMA and that, on a state level, sometimes it is important to consider who is asking for the information and for what purpose when considering whether or not a record should be released. He related examples. He stated that many quasi-public entities are obtaining private information by contracting with the state and that information may not be kept private by the contracted entity. He stated that, in an attempt not to compete with the private sector, the government is becoming the cheapest place for the information to be obtained. He indicated that there is a provision in GRAMA for an individual or entity to request a fee waiver to obtain the information.

Mr. Burns, speaking as a citizen, expressed concern that the state is not attempting to recover costs for manipulating and compiling data under GRAMA.

3. Other Items / Adjourn

The next meeting is scheduled for Tuesday, September 20, 2005 at 1:30 p.m.

MOTION: Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Rep. Duckworth and Rep. Hardy absent for the vote.

Chair Aagard adjourned the meeting at 4:26 p.m.