

UTAH TRANSIT AUTHORITY POLICY

No. UTA.01.08

RECORDS MANAGEMENT AND ACCESS

1) Purpose.

The purpose of this policy is to recognize the continued need to maintain and preserve accurate records, provide public access to public records, preserve the right of privacy of personal data collected or received by UTA, protect records containing Sensitive Security Information, and comply with applicable state and federal laws. This policy outlines the management and defines responsibility to maintain the integrity of Records for business and legal purposes; litigation; audits; GRAMA Records Requests; and/or requests from other governmental entities. UTA is committed to effectively managing Records from the time they are created, through the required Retention period, until they are legally destroyed.

2) Definitions.

"Application of Writ of Garnishment" means an application for Writ of Garnishments, Writ of Continuing Garnishment and Instructions, Garnishee's Answers to Interrogatories for Earnings, Notice of Garnishment and Exemptions, and Rely and Request of Hearing, which may be served by a potential creditor of a UTA Employee.

"Classification," or "Classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, contains sensitive security information or is exempt from disclosure under [GRAMA](#) and 49 CFR Part 15 and 49 CFR 1520.

"Claims and Insurance" means the working group within UTA's organizational structure that manages UTA's claims and insurance responsibilities.

"Contractor" means any person, or company that contracts with UTA to provide goods or services directly to UTA; any private, nonprofit organization that receives funds from UTA. It does not mean a private provider.

"Custodian" or "Custodial Area" means the employee or area (Office, Department, Service Unit or Division) that created the Record. If there is more than one copy of a Record, the department who maintains each Record will be the custodian.

"Critical Record" means records in which UTA would cease to function without access or is required by law.

"Employee" means a person employed by UTA, including all administrative and bargaining unit employees. "Employee" does not mean an independent contractor, a person working for an

agency that provides staffing resources to UTA, or a person hired by a contractor performing work for UTA.

"Executive Director" means the senior-most executive over the agency reporting directly to the UTA Board of Trustees, who is also executive over the Executive Director department.

"GRAMA" means the Government Records Access and Management Act, codified at Utah Code Ann. 63G-2-101 et seq.

"GRAMA Records Request" means access requests as provided under GRAMA.

"Historical Record" means a record that reflects the history of UTA, and UTA's major Projects.

"Notice of Claim" means a document that a person or entity must send to Claims and Insurance at UTA before filing a lawsuit against UTA. A "Notice of Claim" is not a general form, application, or inquiry regarding personal injury or property damage.

"Official Records" means records that document and record UTA business or decisions, activities, know-how, transactions and provide evidence of those activities.

"Oversite Entity" means the persons, organizations, or agencies responsible for providing regulatory supervision, and with which UTA has an established working relationship.

"Private Provider" means any person who contracts with UTA to provide services directly to the public.

"Record" means all UTA books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings (including video and audio), electronic data, or other documentary materials regardless of physical form or characteristics, prepared, owned, used, received, or retained by UTA where all the information in the original is reproducible by photocopy or other means.

Record does not mean:

1. A personal note or personal communication unrelated to the conduct of UTA business;
2. Temporary drafts, or drafts not relied upon. Drafts circulated outside of UTA may be considered Records;
3. Materials that are legally owned by an individual in a private capacity;
4. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by UTA;
5. Junk mail or commercial publications received by UTA or by a UTA employee;
6. Materials specifically designed for dissemination to the public by UTA;
7. Personal notes, personal calendars, or non-UTA business related communications prepared by any UTA employee for personal use;
8. Use of an employee's own notes used as a personal reminder that have not been circulated to another employee or anyone outside of UTA;
9. Calendars or internal memoranda prepared for the use of an officer or agency acting in a

quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings Act.

10. Proprietary Computer Software Programs that are developed, purchased, or leased under a license agreement by or for UTA for its own use.

“Records Contact” means an individual as directed by the Department or Service Unit’s Manager, to be specially trained and responsible for UTA Official records in a specific UTA area (Office, Department, Service Unit or Division). The Records Contact will participate in records management education and training provided by the UTA Records Department.

“Records Manager” means the current manager over UTA records management department who is also certified by the Utah State Archives.

“Records Officer” means an employee that has been appointed by the Executive Director and certified by the Utah State Archives to classify UTA’s records.

“Records Series” means a group of records with a set retention period that has been approved by the Records Manager and the Utah State Archives.

“Record Sharing” means the act of sharing records classified as other than Public to another government entity or another state as described in UCA §63G-2-206.

“Retention” means the duration of time that a record should be kept and maintained pursuant to a record schedule or legal requirement.

“Sensitive Security Information” or “SSI” means the Classification of information contained in a record obtained or developed in the conduct of security activities as defined in 49 CFR Part 15.

“UTA” means the Utah Transit Authority.

“UTA Legal Services” means an Assistant Attorney General assigned to provide legal services to UTA.

“UTA Working Records Retention Schedule” means the document maintained by the Records Manager containing retention requirements of UTA Records and Record Series.

- 3) Policy.
 - A. GRAMA Records Requests and other release of Records
 1. All Records are subject to GRAMA and can be requested, and possibly produced through means of a GRAMA Records Request.
 2. Records are discoverable through court order or the discovery process under legal litigation.
 3. All requests for Records by a member of the public, another government agency, or a member of the media must be requested through a GRAMA Records Request or a Record Sharing request and must be submitted to a Records Officer.
 4. When requesting records, a requester must submit a written request via letter,

on forms provided by UTA or the Utah State Archives, or email sent to GRAMA@rideuta.com.

5. Records will be Classified at the time of the request of the record and will only be Classified by a Records Officer or in cases of appeals to the Executive Director. A record, record series, or information within a record, may be re-Classified by a Records Officer, or the Executive Director at any time.
6. Exceptions.
 - a. Records released by UTA Police Department as part of a Record Sharing with another law enforcement agency or court request.
 - b. Private or Protected Records subject to a Record Sharing Agreement between UTA and another Government agency or a UTA Contractor.
 - c. Records that are required to be provided to a UTA Contractor to perform the services as contracted with UTA.
 - d. Records that are required to be provided to a State or Federal Contractor within the scope of its contract or Oversight Entity as required by regulation.
 - e. Records may be released by UTA Legal Service providers subject to a court order, litigation, or administrative proceeding.
 - f. Pursuant to GRAMA, Records may be released relating to an appeal made to the Executive Director, or to the Utah State Records Committee, in which their decision has been made to release records as part of the appeal process.
 - g. Legal and Employment Penalties.

UTA employees may be subject to a class B misdemeanor or more serious criminal prosecution for the misuse of Records as described in GRAMA. In addition, possible employment actions can be taken pursuant to violation of UTA Policy.

B. Service and Acceptance of Legal Documents

1. Except for the Executive Director, the Secretary of the Authority, or a UTA Trustee, no person or Employee may accept, for or on behalf of UTA, service of any summons, complaint, or subpoena from a process server, constable, or any other person. The Chair of the Board of Trustees may delegate this authority for their respective term.
2. An Employee served a summons and complaint in connection with his or her employment with UTA will promptly notify UTA Legal Services and provide a copy of the document. The Employee may be entitled to defense by UTA provided such employee was acting within the scope of her or his employment. If the Employee wishes UTA to defend the Employee, the Employee must submit a written request for representation to UTA Legal Services within ten (10) days after the Employee is served.
3. Service of Legal Documents Unrelated to Employment. If a process server attempts to serve an Employee with a legal document unrelated to the Employee's employment with UTA, UTA will ask the process server to serve the Employee at the Employee's residence. UTA will not release to the process server the Employee's address or phone number.
4. A garnishment order or other garnishment document will be accepted by the payroll department or the records department.
5. Claims. All inquiries or documents regarding claims or notices of claim will be forwarded to Claims and Insurance. No employee outside of Claims and Insurance will discuss any claim or notice of claim with a person making a claim against UTA or the person's attorney or representative. Any Employee who receives a document purporting to be a Notice of Claim will immediately mark or stamp the document as to the date received

and direct that document to Claims and Insurance.

6. Search Warrants. A warrant is a court order allowing an officer of the court to search certain premises or things. Any warrant should be directed to a UTA manager. The manager will contact Legal Services on receipt of the warrant and will make every effort to comply with the terms of the warrant. An Employee may obtain more information about legal documents from UTA Legal Services.

C. Personal Mail

1. Employees will not direct to UTA the delivery of personal mail, including but not limited to cards, letters, bills, magazines and catalogs, that are not related to UTA business. If personal mail is delivered to UTA, Employees should expect that such mail will be opened in the normal course of processing the mail.

D. Integrity of Records

1. Records and Records training will be managed in accordance with UTA Policy and Procedures.
2. Official Records must be reliable, accurate, and reflect UTA's activities and position on the activity, transaction or decision it represents.
3. Record Series will be created in partnership with the Records Manager and the Utah State Archives for the purposes of Records storage at the Utah State Records Center.
4. The UTA Working Record Retention Schedule and Record Series are reviewed and updated on a continual basis. Updates and changes are approved by the Records Manager.
5. Records Maintenance. All Records will remain the property of UTA unless federal or state legal authority provides otherwise. Pursuant to UTA's Records procedures, Custodians of any Records will, at the termination of their employment with UTA, deliver custody and control of all Records kept or received by them to their successors, supervisors, or to the Records Manager.
6. UTA's official, critical and historical records must not be willfully altered. Employees should avoid any negligent, inadvertent alteration or misfiling/misnaming of UTA records.
7. All records, including records delivered via email, should be created with the specific purpose to communicate, or document UTA business matters. Records should not include statements that would reveal competition-sensitive material or compromise an ongoing competitive procurement. Employees should use discretion when creating records and avoid language that may either give the impression of unlawful criminal or civil conduct and/or violate any UTA's policies, guidelines or procedures. Records should not contain inflammatory or inappropriate language; images that may offend others; or statements that could be misconstrued by third parties. Records that include sarcasm, personal attacks, or inappropriate humor that would violate UTA policies regarding employee expectations.
8. Ownership of information, confidential information, additional requirements
 - a. All Records stored in UTA facilities or on any of UTA's technology resources are the sole and exclusive property of UTA and the State of Utah and are not the property of the Record's author, creator, or custodian. This includes, but is not limited to, Records maintained electronically (such as on hard drives, document management systems, UTA servers, email servers, etc.). All Records of any kind stored in these locations are subject to and must be managed in compliance with Utah and Federal


Law and UTA’s policies and procedures.

- b. Employees should recognize that all records are potentially required to be produced to opposing parties under GRAMA, including but not limited to Litigation proceedings, Subpoena and/or Court Order, regardless of their storage medium or physical location.
- 9. Records containing confidential or personal information will be classified by a UTA Records Officer upon request of the record. Release of such records will follow all laws and policies that UTA is subject to.
- 10. Storage and Management of UTA’s Official Records.
UTA Employees will store Official Records in an approved location or system as approved by the Records Manager.

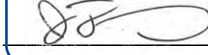
4) Cross-References.

- Utah Code Ann. §63G-2-101 et seq. - Utah Government Records Access and Management Act
- Utah Code Ann. §54-4, et seq. - Utah Open and Public Meetings Act
- Utah Rules of Civil Procedure (URCP) Rule 4
- 49 CFR Part 15 – Protection of Sensitive Security Information and 49 CFR Part 1520
- Board Policy 4.2 - Public Records
- Corporate Policy No. 1.1.21 - Privacy
- Corporate Policy No. 1.1.23 - Information Security Policy
- Corporate Policy No. 1.1.24 - Acceptable Use of Technology Resources Policy
- Corporate Policy 6.1.1 - Employee Expectations

This UTA Policy was reviewed by UTA’s Chief Officers on 08/03/22, approved by the Board of Trustees on 10/26/2022 and approved by the Executive Director on 10/26/2022. This policy takes effect on the latter date.

DocuSigned by:


 Alisha Garrett, Enterprise Strategy Officer
 Accountable Executive

DocuSigned by:


 Jay Fox
 Executive Director

Approved as to form and content:

DocuSigned by:


 Tim Merrill
 Counsel for the Authority

History

Date	Action	Owner
9/6/1998	Adopted	General Counsel
7/2/1992	Revised – Records Access and Management Policy	General Counsel

10/27/1999	Revised – Records Access and Management Policy	General Counsel
6/16/2004	Revised – Records Access and Management Policy	General Counsel
1/24/2008	Revised – Amended Corporate Policy 1.1.10 Records Access and Management Policy	General Counsel
9/24/2008	Revised – Amended Corporate Policy 1.1.10 Records Access and Management Policy	General Counsel
4/28/2010	Revised – Amended Corporate Policy 1.1.10 Records Access and Management Policy	General Counsel
10/28/2010	Revised – Amended Corporate Policy 1.1.10 Records Access and Management Policy	General Counsel
7/19/2016	Revised – Amended Corporate Policy 1.1.10 Records Access and Management Policy	General Counsel
10/26/2022	Rescinds – Corporate Policy 6.6.1 HIPAA Implementation	Records Manager
10/26/2022	Rescinds – Corporate Policy 1.1.10 Records Access and Management	Records Manager
10/26/2022	Rescinds – Corporate SOP 1.1.12 Claims	Records Manager
10/26/2022	Rescinds – Corporate SOP 1.1.13 Lawsuits and Legal Documents	Records Manager
10/26/2022	Rescinds – Corporate SOP 1.1.13-1 Processing of Applications for Writs of Garnishments	Records Manager
10/26/2022	Rescinds – Corporate SOP 1.1.14 Personal Mail	Records Manager
10/26/2022	Board Approved – UTA.01.08 Records Management and Access	Records Manager
10/26/2022	Adopted – UTA.01.08 Records Management and Access	Records Manager