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**BEFORE THE UTAH STATE RECORDS COMMITTEE**

IN RE:	Appeal Req. No. 2016-78
APPEAL OF MS. TRACY TAYLOR	<b>POSITION STATEMENT OF WASATCH COUNTY SCHOOL DISTRICT</b>

Wasatch County School District (the “District”) submits the following position statement in response to the appeal of Ms. Tracy Taylor (“Ms. Taylor”).

**INTRODUCTION**

Ms. Taylor, on behalf of the Wasatch Taxpayers Association, requested access to four different categories of records. The District initially denied all of her requests as private under the Government Records Access and Management Act (“GRAMA”). Ms. Taylor appealed to the District’s Superintendent. Since the Superintendent’s hiring process was the subject of the GRAMA request, the Superintendent recused himself and James Judd, the District’s Human Resources Director, responded on behalf of the Superintendent. Mr. Judd agreed with the initial decision as it related to requests 1, 2, and 4 but provided Ms. Taylor with the documents responsive to her third request, addressing the process for the hiring of the District’s Superintendent and documents relating thereto.

The District properly denied three of Ms. Taylor requests because they are requests for private documents pursuant to GRAMA and the District's GRAMA policy that properly designates certain records as private. More specifically, the requested records either relate to applicants for employment with the District and/or are records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

### **BACKGROUND FACTS**

1. In June of 2015, the District adopted a records policy. A true and correct copy of the District's records policy is attached hereto as Exhibit A.

2. On July 18, 2016, Ms. Taylor sent a GRAMA request to Keith Johansen, the District's Business Administrator and designated Records Officer. A true and correct copy of the GRAMA request is attached hereto as Exhibit B.

3. In the GRAMA request, Ms. Taylor requested copies of the following records:

1) All applications filed with the District for the superintendent position award June-July 2016 and for the District to identify the top four candidates of those applicants;

2) All the names of the people assigned to the citizen's committee to review applications for the superintendent's position;

3) School board's evaluation process and documents; and

4) Identify the process followed for selection-job description of the selection committee, who was interview, second interview, who visited the school district, etc.

4. On July 26, 2016, the District responded to Ms. Taylor's GRAMA request, determining that the requested documents were private pursuant to Utah Code § 63G-2-302. A true and correct copy of Mr. Johansen's denial is attached hereto as Exhibit C.

5. On July 27, 2016, Ms. Taylor appealed the decision of the Records Officer to the District Superintendent, who did not handle the appeal given the nature of the request. Instead, the District's Human Resources Director, James Judd, handled the appeal.

6. On August 3, 2016, Mr. Judd upheld the initial denial of Ms. Taylor's first second, and fourth requests on privacy grounds, but provided documents responsive to Ms. Taylor's third request and those aspects of the fourth request that related to the selection process. A true and correct copy of Mr. Judd's decision is attached hereto as Exhibit D.

7. On August 31, 2015, Ms. Taylor appealed to the State Records Committee.

### **ARGUMENT**

#### **I. GRAMA and the District's GRAMA Policy Allow Applicant Information to Be Classified as Private.**

Under GRAMA, "[e]very person has the right to inspect a public record" and a government "record is public unless otherwise expressly provided by statute." Utah Code § 63G-2-201(1), (2). However, "records that are 'private, controlled, or protected' are generally not available to the public." *Schoeder v. Utah Attorney General's Office*, 2015 UT 77, ¶ 27, 358 P.3d 1075 (footnote omitted) (quoting Utah Code § 63G-2-201(1), (3)(a)). Under section 63G-2-302(1), the following records are considered private:

- (g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;
- ....

In addition, section 302(2) provides that certain other records are private if properly classified by a governmental entity:

- (a) records concerning a current or former employee of, or application for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection 1(b).
- ....
- (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

*Id.* § 63G-2-302(2).

Significantly, as demonstrated by Exhibit A, the District's Government Records Access and Management Act Policy states that following records are private, and open only to the subject of the record and other authorized individuals or agencies:

1. Personnel files including applications, nominations, recommendations, evaluations, and proposals [f]or advancement or appointments.
2. The names of applicants and finalists for administrative position[.]

Thus, the District has properly classified these records as private, as contemplated by section 302(2).

Finally, as a general matter, the District bears the burden to establish that withheld documents fall within the statutory definition of a private document. *See Deseret News Pub 'g. Co. v. Salt Lake County*, 2008 UT 26, ¶ 24, 182 P.3d 372. A record may not be withheld as private under section 63G-2-302(2)(d) "merely because its contents invade personal privacy. Instead, the invasion must be clearly unwarranted. The presence of this limiting provision inevitably calls on a governmental entity, when classifying a record [as private under that



section], to . . . [conduct] an expansive and searching evaluation of the interests that might make an invasion of personal privacy warranted.” *Deseret News Pub’g*, 2008 UT 26, ¶ 33.

## **II. The District’s Denial of the Request for Information Regarding Applicants on Privacy Grounds Was Appropriate.**

Here, Ms. Taylor asserts that she should be granted access to documents relating to the applicants for the position of District Superintendent of Schools. These documents would be encompassed by Request Nos. 1, 3, and 4 and included “all applications filed with the District for the superintendent position” as well as requests for records indicating the ranking of the applicants, who was interviewed, who had second interviews, who visited the school district, and other similar documents. In other words, Ms. Taylor is seeking access to precisely those records that would reveal the most sensitive information regarding an individual’s search for new employment.

The records requested by Ms. Taylor necessarily include employment documents of applicants, current and former employees containing personally identifying information such as home addresses, telephone numbers, social security numbers, insurance coverages, marital statuses, and/or payroll deductions. Therefore, such documents are private within the meaning of sections 63G-2-302(1)(g). Although arguably, some of this information could be redacted, doing so would not overcome the more specific classification that makes the entirety of the records private under 63G-2-302(2)(a) and District policy.

The Records Committee was faced with a similar issue in the 1997 appeal *Society of Professional Journalists v. University of Utah*. State Records Committee Appeal 1997-02 (June 30, 1997). There, the Society of Professional Journalists sought the release of records related to the search for, and ultimate hiring of, the President of the University of Utah. In denying the

appeal, the Committee balanced the interests at issue and ultimately determined “that the interest favoring restriction of access in this case outweighs the interest favoring access. This is so because providing access to these records would render the applicant pool for the position of President of the University of Utah far poorer.” *Id.*

Here too, there are significant public and private interests in maintaining the confidentiality of the hiring process for the Superintendent of Schools. As with a University president, a school district superintendent acts as the chief executive officer of the district. Every school district has an interest in attracting the most qualified candidates, who may be internal or external. Were applicants’ identities revealed, the pool of applicants for future positions would be far worse because of the chilling effect public disclosure would have on a candidate’s willingness to throw his or her hat in the ring. There are undoubtedly applicants for the superintendent position who (1) do not wish their current employer to know that they are interested in leaving their position; and (2) do not wish it to be publicly known that they applied but were not selected, or at what point during the application process they were eliminated from consideration. Their interest in—and preference for—privacy should be honored because if it is not, school districts will have a far more difficult time finding quality applicants who are willing to subject themselves to public scrutiny, questioning by their present employer, or embarrassment over not being selected. This is precisely why the District’s records policy designates as private “[t]he names of applicants and finalists for administrative positions,” as well as “Personnel files including applications, nominations, recommendations, evaluations, and proposals or advancement or appointments.” Ex. A at 1-2.

Thus, the District's denial of Ms. Taylor requests #1, #3, and #4, in which she sought records that would necessarily disclose sensitive private information from the application and evaluation process, should be upheld.

Beyond the applications and evaluation information, Ms. Taylor has also requested records relating "to names of the people assigned to the citizen's committee to review applications for the superintendent's position." While these records are not specifically addressed by the District's GRAMA policy, their disclosure would nonetheless be unwarranted. Should citizens' committee members' names and their recommendations be revealed, the pool of citizens willing to participate in the important task of helping select a superintendent would be greatly diminished, both in quality and in quantity. Advice would not be candid and members would inevitably self-censor to avoid being the subject of public lobbying, attempts to influence or sway opinion, or other public criticism. Moreover, they could be pressured to reveal information that has been classified as private under GRAMA, thereby impairing the privacy interests discussed above. For this reason, the District's determination that these records (to the extent any exist) were appropriately classified as private should be upheld.

### **III. The District Has No Obligation to Create Records.**

Finally, even if requested records were deemed public, GRAMA does not require the District to create records. As noted in the August 3, 2016 appeal response from James Judd to Ms. Taylor, the District is under no obligation to compile, summarize, or tailor information in response to a GRAMA request. Thus, for example, the District maintains that it does not have any responsive records identifying the top four candidates; although it might be possible to generate a list of the top four candidates based on other information available to the District and

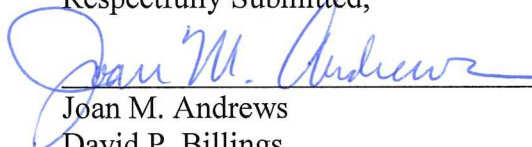
the search committee, GRAMA does not require it to do so. Similarly, while it might be possible to create a list of the names of the candidates who visited the District, GRAMA does not require it to do so. For these reasons, the District's response to Ms. Taylor's GRAMA request should be upheld.

### **CONCLUSION**

For the foregoing reasons, the State Records Committee respectfully requests that Ms. Taylor's appeal be denied.

Dated this 5<sup>th</sup> day of October, 2016.

Respectfully Submitted,



Joan M. Andrews

David P. Billings

FABIAN VANCOTT

*Attorneys for Wasatch County School District*

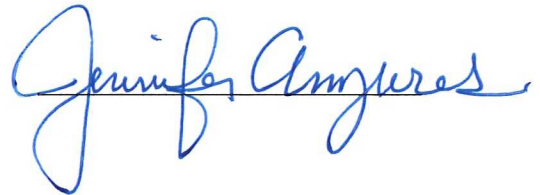


**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of October, 2016, I caused a true and correct copy of the foregoing POSITION STATEMENT OF WASATCH COUNTY SCHOOL DISTRICT to be served via electronic mail on the following:

Ms. Tracy Taylor  
451 North 1300 East  
Heber City, UT 84032  
tracy@etracytaylor.com

Nova Dubovik  
Executive Secretary  
State Records Committee  
346 S. Rio Grande  
Salt Lake City, UT 84101-1106  
ndubovik@utah.gov

A handwritten signature in blue ink, reading "Jennifer Amores". The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

# EXHIBIT A

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**SUBJECT: GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA)**

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**I. POLICY**

It is the policy of Wasatch School District Board of Education that records are managed in an efficient, responsible manner and that fair and timely public access to information contained in district records is made available while protecting individual privacy rights in relation to personal data gathered by the school district. Records requests must be made on the Wasatch County School District form and submitted to the Business Office located at 101 East 200 North, Heber City, Utah 84032.

This policy does not apply to student records. Student records are governed by the Family Education Privacy Act (FERPA).

**II. GUIDELINES**

- **RECORDS MANAGEMENT OFFICERS**
  - i. The Business Administrator shall be the records officer for all District records including Board of Education minutes and all documents related to property, budgets, payroll, accounts, contracts, personnel and personnel health insurance.
  - ii. The records officers may delegate to principals or District department heads the responsibility of management of school or department records.
  - iii. The records officer shall perform the duties as set forth in Utah Code and review and respond to requests for access to records.
- **RECORDS CLASSIFICATION:** All records shall be classified as public, private, controlled, protected, or exempt.
  - i. Public Records, open for public inspection during regular office hours, shall include:
    - 1. Official minutes, actions and decisions of the Board of Education and District Administration unless the record involves information which is classified as private, controlled, or protected.
    - 2. Official district and school policies, contracts, minutes, and accounts.
    - 3. Names, gender, job titles, job descriptions, business address, business telephone numbers, number of hours worked per pay period, gross salaries, assigned hours of work, and dates of employment of all current and former employees.
    - 4. Documents relating to formal charges or disciplinary actions against a past or present if the charges or disciplinary action have been completed and all time periods for appeal have expired, and the charges were sustained.
  - ii. Private Records, open only to the subject of the record and other authorized individuals or agencies, shall include:

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**SUBJECT: GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA)**

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1. Personnel files including applications, nominations, recommendations, evaluations, and proposals or advancement or appointments.
    2. The names of applicants and finalists for administrative positions
    3. Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical conditions, diagnosis or military status.
  - iii. Controlled Records, open only to authorized persons or agencies but are not open to the subject of record, shall include records containing medical, psychiatric, or physiological data on an individual which, if disclosed, could be detrimental to the individual's mental health or safety.
  - iv. Protected Records, open only to authorized individuals and agencies or in response to court order, shall include:
    1. Any information that, if disclosed, would jeopardize the life or safety of an individual or security of district property or programs
    2. Documents that, if disclosed, would place the district at a disadvantage in contract negotiations, property transactions, or bargaining position or could enable circumvention of an audit
    3. Records related to potential litigation or personnel hearings
    4. Records generated in meetings which are closed in accordance with the Utah Open and Public Meeting Law.
    5. Test questions
    6. Other records identified in law
  - v. Exempted Records shall include student records which are protected by the Family Education Rights and Privacy Act (FERPA)
- **RECORD ACCESS**
    - i. Requests to view district records shall be in writing on WCSD records request form and addressed to the records officer during regular business hours.
    - ii. Requests to view records classified as private, controlled, or protected shall contain information proving a right to access the record including personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
    - iii. The records officer shall determine whether access to the requested record(s) is to be granted or denied, unless the district does not maintain the records or extraordinary circumstances exist.
      1. If the request is approved, the records shall be provided as soon as possible but not more than ten working days from the date the request was received, unless extraordinary circumstances exist.



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**SUBJECT: GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA)**

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2. If the request is denied, the records officer must specify the reason, either in person or in writing, and the requester shall be informed of the right to appeal.

- **APPEALS PROCESS**

- i. The request shall file a written request for a hearing with the superintendent or his/her designee within thirty (30) working days of the denial. Failure to file an appeal within the period specified shall constitute a waiver of the right to appeal.
- ii. Within five (5) business days after the receipt of the written appeal, the superintendent or his/her designee shall rule on the appeal.
- iii. Within five (5) working days of the ruling, the superintendent or designee shall send a written decision to the requester of the action recommended together with the notice of right to appeal to either the Records Committee or District Court.

- **FEES AND DUPLICATION OF DISTRICT RECORDS**

- i. The district may charge the fees authorized by Utah Code 63G-2-203

Document Copies:	Single Page	(8 1/2 x 11)	\$ .10 / page
	Two-sided Page	(8 1/2 x 11)	\$ .15 / page
	Single Page	(8 1/2 x 14)	\$ .15 / page
	Two-sided Page	(8 1/2 x 14)	\$ .20 / page
Research Cost:	As per Utah Code 63G-2-203		

- ii. An additional charge of \$1.00 shall be charged per each page of a document needing certification
- iii. If the total amount due is more that \$50.00 advance payment is required.
- ix. The district shall refuse to allow duplication of copyrighted materials.

- **RETENTION OF DISTRICT RECORDS**

- i. The district shall adhere to the general schedule for records retention approved by the State Records Committee.
- ii. Records which are not covered by the general schedule shall be submitted to the State Records Committee for schedule at least once a year.

# EXHIBIT B

# Wasatch COUNTY SCHOOL DISTRICT

## GRAMA REQUEST FOR RECORDS

TO: Wasatch County School District Attn: Keith Johansen

(Name of person and/or government office holding records)

The response to a request may be delayed if it is not directed properly. To find out where to direct a request, consult the agency's rules, telephone the agency or State Archives. The telephone number for the State Archives is (801) 538-3012.

Address of Government Office: WCSD, 101 East 200 North, Heber City, UT 84032

Description of records sought (records must be described with reasonable specificity):

ALL applications filed with the Wasatch School District for the superintendent's position awarded June-July 2016. Identify the top four candidates of those applicants.

ALL names of the people assigned to the citizen's committee to review applications for the superintendent's position. School board's evaluation process and documents.

Identify the process followed for selection- job description of selection committee, who was interviewed, second interview?, who visited the school district, etc.

All documents delivered via email, see address below.

☐  
☐

I would like to inspect the records

I would like to receive copies of the records. I understand that I will be responsible for copy costs. I authorize costs of up to \$ \_\_\_\_\_. I further understand that the agency will contact me if estimated costs are greater than the amount I have specified, and that agency will not respond to a request for copies if I have not authorized adequate costs.

☒

I would like to receive copies of the records. I request a waiver of copy costs. (Please attach information supporting your request; see U.C.A. 63G-2-203(4) for a list of situations under which an agency is encouraged to provide copies without charge.) *electronic documents*

If applicable, check one of the following and attach necessary documentation:

☐  
☐  
☐  
☒

I am the subject of the record.

I am the person who provided the information.

I am authorized to have access by the subject of the record or by the person who submitted the information.

Other. Explain: Wasatch Taxpayers Association website

Name: Tracy Taylor

Address: tracy@etracytaylor.com

Day Time Phone Number: 435 503-1121

☒

I am requesting expedited response. (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or lease attach other information that demonstrates that you are entitled to the expedited response under U.C.A. 63G-2-203(3).)

Signature: *Tracy Taylor*

Date: *July 18, 2016*

# EXHIBIT C



# Wasatch COUNTY SCHOOL DISTRICT

## GRAMA - NOTICE OF RECORDS REQUEST DENIAL

To: Ms. Tracy M. Taylor

Address: tracy@etracytaylor.com

Date: 7/26/2016

Your request received on 7/18/2016 for the following records or portions of records has been denied:

the requested records are classified as  
private (63G-2-302.)

### Reason for denial:

Records have been classified as: (specific citations included as applicable)

☒ Private pursuant to UCA 63G-2-302

☐ Controlled pursuant to UCA \_\_\_\_\_

☐ Protected pursuant to UCA \_\_\_\_\_

Records are exempt from disclosure by the following:

☐ Student Records covered by FERPA: \_\_\_\_\_

☐ Court rule or order: \_\_\_\_\_

☐ Statute, regulation or ordinance: \_\_\_\_\_

Name of person denying request: Keith Johansen

Title of person denying request: Records Officer

You have the right to appeal the denial to the chief administrative officer of the agency within time allowed by UCA 63G-2-403. Your notice of appeal must include your name, mailing address, a daytime telephone number, and an explanation of what relief you are seeking. Please include any supporting documentation such as a copy of the original request and agency denial. The notice of appeal should be sent to:

Chief Administrative Office: Supt. Paul Sweet

County Agency and address: 101 E. 200 No., Heber, UT 84032



## GRAMA REQUEST FOR RECORDS

TO: Wasatch County School District Attn: Keith Johansen

(Name of person and/or government office holding records)

The response to a request may be delayed if it is not directed properly. To find out where to direct a request, consult the agency rules, telephone the agency or State Archives. The telephone number for the State Archives is (801) 538-3012.

Address of Government Office: WCSD, 101 East 200 North, Heber City, UT 84032

Description of records sought (records must be described with reasonable specificity):

ALL applications filed with the Wasatch School District for the superintendent's position awarded June- July 2016. Identify the top four candidates of those applicants.

ALL names of the people assigned to the citizen's committee to review applications for the superintendent's position. School board's evaluation process and documents.

Identify the process followed for selection- job description of selection committee, who was interviewed, second interview?, who visited the school district, etc.

All documents delivered via email. see address below.

- ☐ I would like to inspect the records
- ☐ I would like to receive copies of the records. I understand that I will be responsible for copy costs. I authorize costs of up to \$ \_\_\_\_\_. I further understand that the agency will contact me if estimated costs are greater than the amount I have specified, and that agency will not respond to a request for copies if I have not authorized adequate costs.
- ☒ I would like to receive copies of the records. I request a waiver of copy costs. (Please attach information supporting your request; see U.C.A. 63G-2-203(4) for a list of situations under which an agency is encouraged to provide copies without charge.) *electronic documents*

If applicable, check one of the following and attach necessary documentation:

- ☐ I am the subject of the record.
- ☐ I am the person who provided the information.
- ☐ I am authorized to have access by the subject of the record or by the person who submitted the information.
- ☒ Other. Explain: Wasatch Taxpayers Association website

Name: Tracy Taylor

Address: tracy@etracytaylor.com

Day Time Phone Number: 435 503-1121

- ☒ I am requesting expedited response. (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or lease attach other information that demonstrates that you are entitled to the expedited response under U.C.A. 63G-2-203(3).)

Signature: *Tracy Taylor*

Date: *July 18, 2016*

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FOR DISTRICT USE ONLY

Date Request Received: 18 July 2016

Initial Time Limit for Response: 5 days 10 days

Classification:

- ☒ Private
- ☐ Controlled
- ☐ Protected
- ☐ Public
- ☐ Access is governed by a law other than GRAMA
- ☐ Requested document is not a "record" under GRAMA

Is access authorized: (Complete this section if records are private, controlled, or protected.)

PRIVATE:

- ☐ Requester is the subject of the record
- ☐ Requester is other person authorized by U.C.A 63-202(1) and has supplied required documentation
- ☒ Requester is not authorized to have access.

CONTROLLED:

- ☐ Requester is a physician, psychologist, or certified social worker, has supplied a notarized release dated no more than 90 days prior to this request, and has signed an acknowledgment re nondisclosure. U.C.A 63-2-202(2)
- ☐ Requester is not entitled to access.

PROTECTED:

- ☐ Requester is person who submitted record
- ☐ Requester is other person authorized by U.C.A. 63-2-202(4) and has supplied required documentation.
- ☐ Requester is not entitled to access.

How was identification verified?

Response to Request: (See UCA 63-2-204)

- ☐ Approved \_\_\_\_\_ Requester notified on: \_\_\_\_\_
- ☒ Denied 63-2-302 Written denial sent on: 7/26/2016
- ☐ Requester notified agency does not maintain record, and, if known, was also notified of name and address of agency that does maintain record file.
- ☐ Extension of time claimed for extraordinary circumstances. Required notice sent: See UCA 63-2-204(3)(iv).

Copy Fees: Amount \$ \_\_\_\_\_

If waived, fee waiver approved by:

Signature: Keith Johnson Date: 7/26/2016

# EXHIBIT D



**BOARD OF  
EDUCATION**

*Mark Davis*  
President

*Ann Horner*  
Vice President

*Shad Sorenson*  
Board Member

*Blaik Baird*  
Board Member

*Debbie Jones*  
Board Member

**SUPERINTENDENT**

*Paul A. Sweat*

**BUSINESS  
ADMINISTRATOR**

*Keith Johansen*

Ms. Tracy M. Taylor

Dear Ms. Taylor:

Your GRAMA appeal email of July 27, 2016 to Superintendent Sweat, and the Board of Education has been referred to me for a response. Please note that the Board of Education does not play a role in responding to GRAMA appeals, which are directed to the Chief Administrative Officer. However, in recognition of your concerns about a perceived conflict of interest, Superintendent Sweat has designated me to act as the Chief Administrative Officer for purposes of your appeal.

Your GRAMA request of July 18, 2016 asked for the following records:

1. All applications filed with the Wasatch School District for the superintendent's position awarded June-July 2016. Identify the top four candidates of those applicants.
2. All names of the people assigned to the citizens committee to review applications for the superintendent's position.
3. School board's evaluation process and documents.
4. Identify the process followed for selection-job description of selection committee, who was interviewed, second interview, who visited the school district, etc.

First, it must be noted that the District does not have an obligation to create records in response to your GRAMA request. To the extent your request could be interpreted to ask for the creation of records or to require the compilation, summarizing, or tailoring of information, such as the request to identify the top four candidates of the job applicants, that request is denied pursuant to Utah Code Ann. § 63G-2-201(8)(a).

As to items, 1, 2, and 4, I am upholding the prior decision as to the classification and release of the records as set forth in Mr. Johansen's initial response of July 26, 2016.

As you know, your request was denied on the grounds that the requested records are private under Utah Code Ann. § 63G-2-302. More specifically, they are private under -302(1)(g) and -302(2). Section -302(2) states that the following records are private if properly classified by a governmental entity:

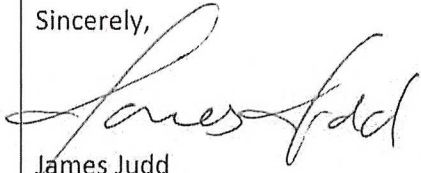
- (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);
- (d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

The District has designated the records identified above as private pursuant to its GRAMA policy. Thus, to the extent such records exist, the records you requested regarding job applications, the identity of who was interviewed, called back for second interviews, visited the school district, etc., are private under District policy, and their disclosure would constitute an unwarranted invasion of personal privacy. The same is true regarding the names of the individuals that served on the citizens' committee.

As to item 3, enclosed with this response is a copy of certain documents responsive to the request for records regarding the board's evaluation process. The process was also discussed by the Board in its work session of May 5, 2016, which you attended. A copy of the recording is posted and available for review on the District's website.

You have a right to appeal this decision to the Utah State Records Committee or to district court, within 30 days of the date of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Judd".

James Judd  
HR Director