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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:

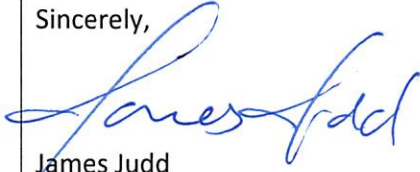
- (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o), 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 blue ink that reads "James Judd". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Judd
HR Director