
I. PURPOSE

This policy establishes the policies and procedures Athlos Academy of Utah will follow when responding to public requests for government data.

II. DEFINITIONS

- A. Public Records: Records that are not classified as private, controlled, or protected under Utah Code § 63G-2-302, §63G-2-303, §63G-2-304, §63G-2-305 nor whose access is restricted due to court rule, or state or federal statute or regulation.

III. POLICY

- A. Requesting Records:
1. Any member of the public may request to inspect or receive a copy of public data during normal working hours.
 2. A request for public records shall:
 - a. Be made in writing via mail, email, fax, or hand delivery;
 - b. Include the requester's name, mailing address, and daytime telephone number, if applicable; and
 - c. Include a description of the record requested that identifies the record with reasonable specificity.
- B. Responding to Requests for Records:
1. If it is not clear what record is being requested, Athlos Academy of Utah will make all reasonable efforts to clarify what is being requested.
 2. If the record exists, but is not public, Athlos Academy of Utah shall determine whether the requestor is eligible to receive the records under Utah Code § 63G-2-201(5), §63G-2-202, 63G-2-206, or 63G-2-303.
 3. If it is determined that a requester is not eligible to receive the requested records, it shall issue a notice of denial within the timelines described below, which shall contain the following information:
 - a. A description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or information exempt from disclosure under Utah Code § 63G-2-201(3)(b);

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- b. Citations to the provisions of this chapter, court rule or order, another state statute, federal statute, or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information or information exempt from disclosure under Utah Code 63G-2-201(3)(b);
 - c. A statement that the requester has the right to appeal the denial to the chair of the Governing Board of Athlos Academy of Utah; and
 - d. The time limits for filing an appeal, and the name and business address of the chair of the Governing Board of Athlos Academy of Utah.
4. If the requested record does not exist as requested, Athlos Academy of Utah shall respond and indicate that the record either does not exist or does not exist in the requested format.
 - a. Athlos Academy of Utah may offer to create the requested record for a fee to be paid by the requester.
 - b. A fee charged under this section shall be determined in the same manner as costs for copying.
5. In responding to a request, Athlos Academy of Utah is not required to:
 - a. Create a record;
 - b. Compile, format, manipulate, package, summarize, or tailor information;
 - c. Provide a record in a particular format, medium, or program not currently maintained by Athlos Academy of Utah;
 - d. Fulfill a person's records request if the request unreasonably duplicates prior records requests from that person; or
 - e. Fill a person's records request if:
 - i. The record requested is accessible in the identical physical form and content in a public publication or product produced by Athlos Academy of Utah;
 - ii. Athlos Academy of Utah provides the person requesting the record with the public publication or product; and
 - iii. Athlos Academy of Utah specifies where the record can be found in the public publication or product.
6. Requests for records shall be responded to according to the following timelines:
 - a. Five business days if an expedited request was made;
 - i. Expedited requests are those that primarily benefit the public, rather than the requester, including requests to obtain information for a story or report for publication or broadcast to the general public.

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- ii. Expedited requests that do not meet the above standard are to be responded to with a notice that the request will not be expedited
 - b. Ten business days for all requests not requesting to be expedited or those that fail to meet the standard described above to qualify for expedited response.
 - c. Requests that present “extraordinary circumstances” that prevent following the above timelines may be responded to as follows:
 - i. If another government entity is using the record, it shall be requested from the government entity currently in possession within five business days unless it would impair the holder’s work.
 - ii. If another government entity is using the record as a necessary part of an audit, the request shall be fulfilled following the completion of the audit.
 - iii. If a request requires a voluminous quantity of records or makes multiple requests within five working days of each other, if the request requires reviewing a large number of records, or if Athlos Academy of Utah is responding to a large number of records requests, Athlos Academy of Utah shall provide any records reasonably possible within the expected timeline and then provide an estimated date of completion of the request that is as soon as reasonably possible.
 - iv. If there are legal issues with the response to the request that require Athlos Academy of Utah to seek legal counsel, it shall be acceptable to extend the timeline for response by five business days.
 - v. If segregating the information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing, Athlos Academy of Utah shall respond within fifteen business days.
 - vi. If segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming, Athlos Academy of Utah shall complete its programming and disclose the requested records as soon as reasonably possible.
 - d. Any requestor generating a request that presents “extraordinary circumstances” must be contacted within the original five or ten business day timeline to be notified of the extraordinary circumstances and given a new timeline for when the records requested will be fulfilled.
7. Responses to a request for records shall include:

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- a. A copy of the record;
 - b. A notice of denial described above; or
 - c. Notification that Athlos Academy of Utah does not maintain the record
 - i. If it is known that another governmental entity does maintain the record, that information shall be provided to the requester.
8. Athlos Academy of Utah may share records with other public institutions in accordance with Utah Code § 62G-2-206

C. Copying Costs:

1. Athlos Academy of Utah charges for copies of government data as authorized Utah Code § 62G-2-203.
2. Records requests that result in the generation of 100 or fewer pages of black and white, letter or legal size paper copies shall cost \$0.25 per one-sided page or \$0.50 per two-sided page.
3. Other types of copies shall be charged an actual cost incurred for searching for and retrieving the data and making the copies or electronically transmitting the data.
 - a. In determining the actual cost of making copies, Athlos Academy of Utah factors in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any).
 - i. Employee costs under this section shall be the hourly wage of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
 - ii. A requester will not be charged for the first quarter hour of employee time utilized to fulfill the request.
 - b. If a request is for copies of data that Athlos Academy of Utah cannot reproduce using on-site technology, such as photographs, the charge will include the actual cost paid to an outside vendor for the copies.
4. Athlos Academy of Utah does not charge for records requests that result in copy costs of \$25.00 or less.
 - b. Athlos Academy of Utah may charge an entity that breaks requests for records into multiple smaller requests in order to avoid meeting this threshold at the discretion of the Lead School Administrator.
5. Athlos Academy of Utah does not charge a fee if it is determined that:
 - a. Releasing the record primarily benefits the public rather than a person;

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- b. The individual requesting the record is the subject of the record, is the parent/guardian of an unemancipated minor who is the subject of the record, or is any of the individuals described in Utah Code § 63G-2-202(1) or (2); or
 - c. The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
6. Athlos Academy of Utah may require payment of past fees and future estimated fees before beginning to process a request if:
- a. Fees are expected to exceed \$50; or
 - b. The requester has not paid fees from previous requests.

Legal References:

[Utah Code § 63G-2 Part 2](#) (*Access to Records*)

[Utah Code § 63G-2 Part 3](#) (*Classification*)