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April 6, 2015

John Dougall, Chief Administrative Officer
Office of the Utah State Auditor
Utah State Capitol Complex
East Office Building STE E310
Salt Lake City UT 84114-2310

Transmitted via email to: jdougall@utah.gov
Copy to: lsiebenharr@utah.gov

Re: Appeal of Denial of Request for a Record Pursuant to Utah Government Records Access and Management Act previously dated February 19, 2015; received on February 23, 2015; and denied by letter dated March 6, 2015; received on March 9, 2015.

Dear Mr. Dougall:

I write pursuant to Utah Code §63G-2-401, and to appeal the initial denial of my GRAMA request initially received by your records officer on or about February 23, 2015 (the request was dated February 19, 2015). Initially, I requested the following:

“...all correspondence, communication, and documents related to the decision to conduct a performance audit as described [in an attached letter] ... ‘conducting a performance audit to help ensure the safety of vulnerable populations, such as children...auditors will conduct test work to identify potential risks that may exist due to the documented history of individuals employed by school districts and other entities charged with safeguarding children.’”

In the denial letter, I was advised that the records I requested were classified as “protected” ...relating to an ongoing or planned audit until the final audit is released.

I appeal that ruling at this time because I did not request any records related to the audit itself. Rather, my request was intentionally limited in scope and related the decision to conduct the audit as described. That decision is a final decision and those records are separate from those related to the audit itself.

It is also my understanding that pursuant to Utah Code 63G-2-401(6), as the chief administrative officer, you may order the disclosure of information that is protected if the interests favoring access are greater than or equal to the interests favoring restriction of access. Since the audit is well under way, and the decision to conduct the audit and dedicate public resources has already been made, it seems to bring no harm or prejudice to the audit itself to release the correspondence, communication and documents related to the decision to conduct the audit in the first instance. Consistent with the purpose of GRAMA the interests favoring access to these limited records outweighs restriction at this time.

Appeal to Chief Administrative Officer
April 6, 2015
Page 2

As such, now submit this appeal to you for your review and decision. I understand the following to be necessary to complete this appeal:

1. This appeal is submitted within 30 days of the denial date
2. The appeal is submitted by Tracey M. Watson, General Counsel, Utah Education Association, 875 Pontiac Dr. Ste 3, Salt Lake City, UT, 84107. Daytime telephone number: 801-266-4461 x 115 or x 110
3. This appeal is submitted by email only. (Please advise if you require a hard copy as well.)

Please note, I continue to desire copies of the records. I understand I may be responsible for fees associated with copying charges to research charges as permitted by Utah Code Ann. §63G-2-203. As such, I preauthorize costs up to \$100.00 (one hundred dollars) in conformance with the government entity's policy as determined by ordinance or written formal policy adopted by the governing body.

I am also requesting you waive copy costs pursuant to Utah Code Ann. §63G-2-203(4) because releasing these records primarily benefits the public rather than a person because it is a request for a third party (school district) to release private information (social security numbers) belonging to another, its employees without their knowledge and consent.

This appeal is submitted under the authority of Utah Code Ann. §63G-2-401.

Sincerely,
UTAH EDUCATION ASSOCIATION

(sent via email)
Tracey M. Watson
General Counsel