

PRIVATE ACTIVITY BOND AUTHORITY PROGRAM
GRAMA Request Policy
(Government Records Access and Management Act)

Record Accessibility

All proposals, applications and other exhibits, submitted to the PAB Review Board for funding consideration, become the property of the Private Activity Bond Authority Program (PAB). These materials are generally subject to the Utah Government Records Access Management Act (“GRAMA”) (Utah Code Ann. §§63G-2-1 01 *et seq*) and are considered public records after the evaluation process has been completed and a final decision made.

The Act, however, does protect trade secrets, commercial information and non-individual financial information which, if disclosed, would give an unfair advantage to the recipient of that information, as opposed to the person who submitted the application.

The following records are protected under Section 63G-2-304, if, properly classified by a governmental entity:

1. Trade secrets as defined in Section 13-24-2, if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-308;
2. Commercial information or non-individual financial information obtained from a person if:
 - (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
 - (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
 - (c) the person submitting the information has provided the governmental entity with the information specified in Section 62G-3-308;”

Protected Information Request

GRAMA provides that if a person submits trade secrets, commercial information, or non-individual financial information to a government entity, they may request that information be classified as a protected record. To request any portion of a proposal, application or other exhibits to be classified as a protected record, applicants must complete the “Claim of Business Confidentiality Form.” The completed and signed Form **must** be submitted with the proposal. The person submitting the application must clearly identify the specific information for which the protected classification is requested. Failure to provide this, risks having the entire submission be considered a

public record. **Please Note:** An entire submission may not be protected under a claim of business confidentiality.

Request Procedure

To request records held by the Private Activity Bond Authority Program (PAB), a GRAMA Form must be completed and signed. The form may be faxed, mailed or e-mailed to:

Roxanne C. Graham, Program Director
Private Activity Bond Authority Program
60 East South Temple, 3rd Floor
Salt Lake City, UT 84111
E-mail: roxanneg@utah.gov
Fax: (801) 538-8888

A GRAMA Form is available on the PAB web site. Additional information about GRAMA and the process is available from the Attorney General's web site. If preferred, requesting entities and/or individuals may directly contact the PAB Program Director for a copy of the form. To avoid unnecessary charges or delays, requestors are encouraged to provide the most detailed description possible of the information sought.

GRAMA Requests will be processed within 10 business days.

Fees

Fees will not be charged for:

- Reviewing a record to determine whether it is subject to disclosure, except:
 - To inspect the record.
 - Costs of Staff time for search, retrieval and other direct administrative costs for complying with the request.
- The first quarter hour of staff time.

A GRAMA Request may be provided without charge if it is determined that:

- Releasing the record primarily benefits the public rather than a person.
- The individual requesting the record is the subject of the record.
- The requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

Fees charged for processing GRAMA Requests cover the actual costs of providing the record, which may include:

- Costs of Staff time for compiling, formatting, manipulating or tailoring the record into an organized report or to meet the person's request.
- Costs of Staff time for search, retrieval and other direct administrative costs for complying with the request.
- Actual costs of providing electronic services and products for a record that was originally submitted in a format other than word processing.

Entities and/or individuals making GRAMA Requests to PAB:

- Will be charged the following rates for copying: \$.25 - black and white; \$.35 -color. These rates are per page. Double-sided copies count as two pages.
- Will be charged an hourly rate, not to exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request per statute. Staff time will be charged at \$45.00 per hour after the first 15 minutes.
- Will receive a detailed receipt, indicating the number and type of copies made and the amount of time spent by the employee fulfilling the GRAMA Request.
- May be required to submit payment on the estimated fees to fulfill the request before the request will be processed if:
 - Fees are expected to exceed \$100; or
 - Fees from previous request have not been paid.
- Can request the completed GRAMA Request be formatted in an electronic record compatible for e-mailing upon completion.