**R151. Commerce, Administration.**

**R151-2. Government Records Access and Management Act Rule.**

**R151-2-1. Purpose and Authority.**

This rule is made pursuant to Section 63G-2-204, which allows agencies to specify where and to whom requests for access to records shall be directed; Subsection 63A-12-104 (1)(b), which allows an agency to specify at which levels certain requirements shall be undertaken; and Section 63G-2-603, concerning requests to amend a record.

**R151-2-2. Duties of Divisions within the Department.**

Each division director shall comply with Section 63A-12-103 and shall appoint a records officer to perform, or to assist in performing, the following functions:

(1) the duties set forth in Section 63A-12-103; and

(2) responding to requests for access to division records.

**R151-2-3. Requests for Access.**

(1) Waiver of Written Requests: Regardless of Subsection 63G-2-204 (1) requiring written requests for records, a division may at its discretion waive the requirement for a written request if the records requested are public, the records are readily accessible, and the request is filled promptly by allowing access or copying at the time the request is made.

(2) To whom directed: Requests for access to records shall be directed to the records officer of the particular division which the requester believes generated or possesses the records.

(3) Fees: A fee shall be charged for copies of records provided. That fee shall be established pursuant to Title 63J, Chapter 1, the Budgetary Procedures Act, and Subsection 63G-2-203 (1). Fees must be paid at the time of the request or before the records are provided to the requester.

**R151-2-4. Forms.**

(1) A person requesting records may use a form or any written document containing the following information: the requester's name, address, telephone, organization, if any, a description of the records requested, and information regarding the requester's status, for records which are not public.

(2) The department or its divisions may use forms to respond to requests for records.

**R151-2-5. Designation of Authorized Officers.**

(1) The determinations or weighing of interests permitted or required under the following sections by a "governmental entity" or the "head of a governmental entity" shall be made by the division director which has custody or control of the records, or his designee:

(a) Subsection 63G-2-201 (5) (b), which governs disclosure of certain private or protected records;

(b) Section 63G-2-309, which governs business confidentiality claims;

(c) Subsection 63G-2-202 (8), which governs disclosure for research purposes; and

(d) Subsection 63G-2-201 (11) (a), which governs intellectual property rights.

(2) The "chief administrative officer of the governmental entity" for purposes of appeals under Sections 63G-2-401 and 63G-2-603 shall be the Executive Director of the Department of Commerce or the Executive Director's designee.

**R151-2-6. Designation of Requests to Amend Record.**

Requests to amend a record under Section 63G-2-603 are hereby designated as informal proceedings.

**KEY: government documents, freedom of information, public records**

**Date of Last Change: June 25, 2024**

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**Authorizing, and Implemented or Interpreted Law: 63G-2-204; 63G-2-603**