



OFFICE OF THE
UTAH STATE AUDITOR

August 7, 2013

John Robson/Board of Education of Salt Lake City School District
215 South State Street, Suite 1200
Salt Lake City, Utah 84111

On June 18, 2013, you submitted a GRAMA request to the Office of the Utah State Auditor asking for the following:

- "1. Any correspondence, email or other communication between the office of the Utah State Auditor and any other party regarding the Board of Education of Salt Lake City School District or the Salt Lake City School District (collectively referred to as the "District").**
- 2. Records related to any complaints about the District received by the Office of the Utah State Auditor from any individual or entity.**
- 3. Any documents provided to the Office of the Utah State Auditor under the its hotline program that relate to the District."**

In a letter dated July 1, 2013, Linda Siebenhaar, records officer for the Office of the Utah State Auditor, indicated that we had records related to three hotline complaints, but were unable to provide you with these records for reasons pursuant to Utah State law.

I support the denial of the records related to these three complaints for the same reasons indicated in Ms. Siebenhaar's letter dated July 1, 2013, and for additional reasons, as follows:

Utah Code § 63G-2-305(16) classifies as "protected" "records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released."

Utah Code § 63G-2-305(10) classifies as "protected" "records created or maintained for ... audit purposes,... if release of the records: (b) reasonably could be expected to interfere with audits."

Utah Code § 67-3-14 specifically classifies certain records in the custody of the state auditor as "protected" as follows:

(14) (a) The following records in the custody or control of the state auditor are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

(i) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee **if the information or allegation cannot be corroborated by the state auditor through other documents or evidence, and the records relating to the allegation are not relied upon by the state auditor in preparing a final audit report;**

(ii) **records and audit workpapers to the extent they would disclose the identity of a person who during the course of an audit, communicated the existence of any waste of public funds, property, or manpower,** or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any

recognized entity of the United States, **if the information was disclosed on the condition that the identity of the person be protected;**

A. COMPLAINT DATED 6-4-13: ON-GOING INVESTIGATION

- The 6-4-13 complaint is protected under Utah Code § 63G-2-305(16) as a record of a governmental audit agency relating to an ongoing audit. Although the actual complaint was not made by the Office of the Utah State Auditor, it was recorded by the Auditor's Office, and it is most definitely *related to* the audit, and therefore "protected."
- The records submitted as part of the complaint were gathered for the express purpose of providing our Office with information needed to investigate the complaint and, thus, would also be considered "protected" per Utah Code 63G-2-305(10) because they were "created or maintained for ... audit purposes."
- Because the records contain information that could potentially be manipulated by the District they are considered "protected" per Utah Code 63G-2-305(10)(b) because their release "(b) reasonably could be expected to interfere with audits."

You may submit a request for documents related to this case once we have finished our investigation.

B. COMPLAINT RECEIVED 5-25-11: MATTER CLOSED

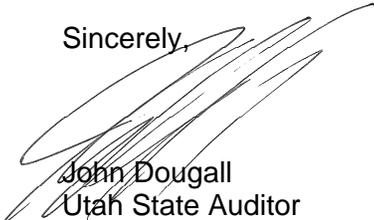
The 5-25-11 complaint is protected pursuant to Utah Code § 67-3-14(a)(i) and (ii). The complaint contained allegations of personal misconduct and mismanagement of a governmental employee that our Office found to be insubstantial. Furthermore, disclosing the details of the complaint would disclose the identity of the claimant who communicated information relating to waste of public funds on the condition of anonymity. We have a signed document by the complainant requesting anonymity. As such, these records are protected.

C. COMPLAINT RECEIVED 1-31-12: MATTER REFERRED TO UTAH STATE OFFICE OF EDUCATION

Complaint C received 1-31-12, is still under investigation and protected under Utah Code § 63G-2-305(16). We enlisted the aid of the Utah State Office of Education in investigating this claim. Furthermore, disclosing this complaint would reveal the identity of a claimant who communicated the existence of waste of public funds or other violations of law which was disclosed on the condition of anonymity and as such is also protected under Utah Code § 67-3-14(a)(ii).

Pursuant to *Utah Code* § 63G-2-403, you have the right to appeal the denial of this request to the State Records Committee. Your notice of appeal must be submitted to the executive secretary of the Records Committee within 30 days of the above denial date and must include your name, mailing address, daytime telephone number; a copy of any denial of the record request; and an explanation of the relief sought. You may also include any supporting information with your notice of appeal.

Sincerely,



John Dougall
Utah State Auditor