

REQUEST TO AMEND OR ADD TO RECORD

This form is to be used by person(s) receiving funding from the Division of Services for People with Disabilities to request that information in the record kept by the Division be amended in accordance with Utah Code Annotated 63-2-602 (see back of form).

SECTION I PLEASE COMPLETE INFORMATION REQUESTED

Your Name:	Your Daytime Phone: ()		
Your Mailing Address	City	State	Zip
What do you feel needs to be amended? (<input type="checkbox"/> Additional information attached)			
Why does this information need to be amended? (<input type="checkbox"/> Additional information attached)			

SECTION II: DETERMINATION OF REQUEST *(To be completed by Division staff)*
 The Region staff has 30 days from the day the request is received to complete section 2 of Form 1-18 and return the Form 1-18 and *490S (if required) to the Person.

Date Request was Received:	/	/	/
	MM	DD	YY
Date Determination was Made:	/	/	/
	MM	DD	YY
Determination <input type="checkbox"/> Request Approved <input type="checkbox"/> Request Denied <input type="checkbox"/> Other (please describe)			
Name of Staff:	Title:		
If Request was Denied Please State the Reason: (<input type="checkbox"/> Additional information attached)			
Date Notice of Determination was Sent to Person:	/	/	/
	MM	DD	YY

*A Form 490S must be sent with Form 1-18 to the Person whose request has been denied to provide opportunity for a hearing.

YOUR RIGHT TO APPEAL A DENIED REQUEST : If your request has been denied you may submit a written statement contesting the information in the record, to be filed with the disputed record and disclosed whenever the Division discloses the disputed information and/or you may appeal the denial of your request to amend a record pursuant to Utah Code Annotated 63-46b of The Utah Administrative Procedures Act or to district court if the Administrative Procedures Act does not apply.

Procedure:

A Person or the Representative of a Person may request to amend the Person's record by completing section I of Division Form 1-18 and submitting the Form to the Division of Services for People with Disabilities Regional Office. The Region staff has 30 days from the day the request is received to complete section 2 of Form 1-18 and return the Form 1-18 to the Person. If the request is denied the Region staff shall send the Person Form 490S (Request for Hearing) along with Form 1-18 to provide notice of determination and hearing rights.

UTAH CODE ANNOTATED 63-2-603. Requests to amend a record - Appeals.

(1) Proceedings of state agencies under this section shall be governed by Title 63, Chapter 46b, Administrative Procedures Act.

(2) (a) Subject to Subsection (8), an individual may contest the accuracy or completeness of any public, or private, or protected record concerning him by requesting the governmental entity to amend the record. However, this section does not affect the right of access to private or protected records.

(b) The request shall contain the following information:

(i) the requester's name, mailing address, and daytime telephone number; and

(ii) a brief statement explaining why the governmental entity should amend the record.

(3) The governmental entity shall issue an order either approving or denying the request to amend as provided in Title 63, Chapter 46b, Administrative Procedures Act, or, if the act does not apply, no later than 30 days after receipt of the request.

(4) If the governmental entity approves the request, it shall correct all of its records that contain the same incorrect information as soon as practical. A governmental entity may not disclose the record until it has amended it.

(5) If the governmental entity denies the request, it shall:

(a) inform the requester in writing; and

(b) provide a brief statement giving its reasons for denying the request.

(6) (a) If a governmental entity denies a request to amend a record, the requester may submit a written statement contesting the information in the record.

(b) The governmental entity shall:

(i) file the requester's statement with the disputed record if the record is in a form such that the statement can accompany the record or make the statement accessible if the record is not in a form such that the statement can accompany the record; and

(ii) disclose the requester's statement along with the information in the record whenever the governmental entity discloses the disputed information.

(7) The requester may appeal the denial of the request to amend a record pursuant to the Administrative Procedures Act or, if that act does not apply, to district court.

(8) This section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the governmental entity determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

History: C. 1953, 63-2-603, enacted by L. 1991, ch. 259, § 34; 1992, ch. 280, § 42.

Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R137-2, R151-2, R277-103, R512-70, R512-75.