

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023**Policy****Document Owner:** Karen Connelly (Director)**Approver(s):** Board of Trustees, Document Control/Policy Committee, Karen Connelly (Director)**Version #:** 2**Printed copies are for reference only. Please refer to the electronic copy for the latest version.****Policy Purpose**

St. John's Health ("SJH") follows Wyoming's public records and confidentiality laws. The purpose of the Wyoming Public Records Act (Wyo. Stat. 16-4-201 et seq.) is to promote government transparency by providing access to records defined by statute as public information while protecting confidential information.

Policy Scope

This Policy outlines the process for maintaining public records and responding to public records requests that is reasonably necessary for the protection of records and the prevention of unnecessary interference with the regular discharge of SJH duties in accordance with the Wyoming Public law. This Policy applies to all SJH departments, facilities, and programs. This Policy does not apply to requests for medical or birth records.

Policy Administration

The SJH Chief Communications Officer shall be the SJH Designated Public Records Person who is the point of contact between SJH and requestors of public records ("Designated Public Records Person"). The Designated Public Records Person shall file their business contact information with the Wyoming Department of Administration and Information. The SJH CEO is the SJH Records Custodian ("SJH Records Custodian"). The Designated Public Records Person shall maintain the SJH Searchable Public Information Website. The Designated Public Records Person may delegate their responsibilities to another SJH employee or representative as appropriate.

On a regular basis, the Designated Public Records Person shall assist the SJH Board of Trustees to re-evaluate this Policy to ensure it is currently meeting its Purpose. Also on a regular basis, the Designated Public Records Person shall invite the Wyoming Public Records Ombudsman ("Ombudsman") to present a Public Records training and update to the SJH Board of Trustees in public session as part of the Ombudsman's statutory authority to provide training on Wyoming public records law, standards, and best practices.

Terms used in this Policy are defined at the end of the Policy, including the definitions of Public Records, Non-Public Records, and Records Published to the SJH Searchable Public Information Website.

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 1 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023**Public Records Request and Response Process*****Public Record Requests***

Any person ("Requestor") may request a public record ("Request"). The Request must be in writing and may be submitted by email to publicrecords@stjohns.health. Requests must include the name and contact information of Requestor, date of Request, and description of records requested with sufficient specificity, including particular search terms, such that responding to the request does not impair or impede SJH's ability to discharge its other duties. Requests received by a SJH representative other than the Designated Public Records Person shall be forwarded to the Designated Public Records Person.

Request Acknowledgment

Within five (5) days of receipt of a Request, the Designated Public Records Person shall respond to the Requestor acknowledging receipt of the Request with confirmation of the content of the Request and the terms used to conduct a search for requested records, the assigned unique numerical identifier for the Request, an estimated response time, if available, and reference to this Policy ("Request Acknowledgement"). The Request Acknowledgement will include 1) whether the records exist primarily or solely in an electronic format, 2) whether the records are in active use, storage, or otherwise not readily available at the time of the Request; and 3) if another governmental entity has custody or control of the public records, the name and contact information of the designated public records person at the other governmental entity.

If the Designated Public Records Person determines a requested public record is readily available, the public record shall be released to the Requestor with the Request Acknowledgement so long as the release does not impair or impede SJH's ability to discharge its other duties. In accordance with Wyoming law, public records requests for SJH to create a new record or document will be denied.

Response to Request

Within thirty (30) days of receipt of the Request, the Designated Public Records Person shall provide a Response to the Request ("Response") in writing to include one of the following:

1. Public records responsive to the Request which could reasonably be gathered and reviewed within thirty (30) days of receipt of the Request and at a cost of less than \$500 including administrative time and copy/processing expenses. The Requestor shall not be responsible for costs less than \$500 per request with a maximum of one request per requestor per month. If the Response is a complete response to the Request, the Request shall be considered closed.
2. An estimate of the time and cost needed to produce the records if that estimate is more than \$500 ("Estimate"). The Estimate shall be in accordance with Cost Estimate and Fee Schedule and the Electronic Public Records Response Requirements below. Within ten (10) days after receiving the Estimate, Requestor

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 2 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

will deposit the amount of the estimate with SJH ("Estimate Deposit"). The Designated Public Records Representative shall confirm with Requestor receipt of the Estimate Deposit. If Requestor does not make the Estimate Deposit within ten (10) days after receiving the Estimate, the request will be considered closed.

3. An explanation that public records responsive to the Request could not reasonably be located.
4. An explanation that the Request is denied including citation to the law, regulation, or policy which serves as the basis for the denial; and reference to the SJH Public Records Dispute Resolution Process.

Requestor and Designated Public Records Person Agreements

All public records shall be released no later than thirty (30) days from the date of the Request Acknowledgment or on a date mutually agreed to by the Requestor and the Designated Public Records Person taking into consideration the work required to process the Request, including confidentiality review, while ensuring the agreed deadline does not impair or impede SJH's ability to discharge its other duties.

All timeframes in this Public Records Request Process may be adjusted by agreement between the Requestor and the Designated Public Records Person. If SJH is unable to provide requested records at the agreed upon time, the Designated Public Records Person shall update the Requestor in writing of an updated estimated Response time. Any agreed change to the scope of the Request, search terms, or the estimated Response time will be confirmed in writing with Requestor by the Designated Public Records Person. Requests shall be considered closed thirty (30) days after the last communication from the Requestor to the Designated Public Records Person unless otherwise indicated in writing by the Designated Public Records Person.

The Designated Public Records Person is empowered to make reasonable efforts to communicate informally with Requestor to confirm the scope of the Request and resolve any potential dispute. The Designated Public Records Person is empowered to consult confidentially with SJH attorneys to ensure public records are released appropriately.

Electronic Public Records Response Requirements

The SJH process for responding to public records requests is entirely electronic. Therefore, and in accordance with Wyoming law, electronic record inspection and copying shall be subject to the following:

- The Requestor shall pay the reasonable costs of producing a copy of the public record.

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 3 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

- The costs may include the cost of reviewing the record, producing a copy of the public record and the cost of constructing the record, including the cost of programming and computer services.
- SJH shall not be required to compile data, extract data, or create a new document to comply with a record request.
- SJH shall produce responsive records in an electronic format that is usual and customary for the handling of records by SJH.
- SJH may produce electronic public records to the Requestor in an alternative format of the requestor's choice unless the Designated Public Records Person determines that producing the public record in the requested format is impractical or impossible.
- SJH shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the confidentiality, security, or integrity of the original record or of any proprietary software in which it is maintained.

Cost Estimate and Fee Schedule

Estimates to produce responsive public records of more than \$500 shall include a description of administrative time and cost required to process, search, copy, review (legal if necessary), and produce responsive records, in accordance with the SJH Electronic Public Records Response Requirements. The Estimate will include a draft request for proposal for an outside document production vendor to perform the work, as needed, including SJH legal and administrative review. Work of the outside vendor will be subject to Requestor's approval of the vendor's proposal and agreement to pay all costs associated with the proposal. Fees charged shall be in accordance with Wyoming Department of Administration and Information Rules and may include personnel time necessary to produce the records, expenses incurred for information technology time and programs, cost to review the records to redact information that is confidential by law, copying costs not to exceed the rate charged for copying medical records, legal fees at the contracted hospital rate, and any other costs directly related to supplying the requested records. Indirect or overhead charges shall not be included. Nothing in this Policy shall be construed as a fee to be charged as a condition of making a public record available for inspection.

Request Dispute Resolution Process

A Requestor may file a complaint with the Wyoming Public Records Ombudsman ("Ombudsman") or a claim with the appropriate district court ("District Court") at any time allowed under the Wyoming Public Records Act. This Policy is created in accordance with Wyoming law and shall govern how SJH handles request disputes with the least amount of

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 4 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

disruption to SJH's other duties and financial responsibilities, and to not impair nor impede SJH's ability to discharge its other duties.

If a Requestor disputes the veracity or substance of any Response from the Designated Public Records Person, the Requester shall describe their dispute in writing to the Designated Public Records Person within five (5) days of the particular Response which Requestor disputes.

Within thirty (30) days of receiving notice of the dispute from Requestor, the Designated Public Records Person shall either resolve the dispute with Requestor by written agreement with the requestor or notify the Wyoming Public Records Ombudsman ("Ombudsman") of the dispute. The notice to the Ombudsman ("Notice to Ombudsman") shall be reviewed and agreed to by the SJH Records Custodian before submission to the Ombudsman.

The Notice to the Ombudsman shall be copied to the Requestor and include:

1. All written communications between the Requester and SJH regarding the Request, including but not limited to the Request, Responses, and Estimate.
2. A confidential link to the confidential electronic location of any records which have been gathered thus far in potential response to the Request, but which have not yet been reviewed for separation or redaction of confidential information ("Preliminary Data Set"). The confidential link will only be operational for the Ombudsman and not for access by any other person other than the Designated Public Records Person and designates. Access to the Preliminary Data Extraction shall be provided to the Ombudsman with the understanding that the Ombudsman shall keep the information confidential and not disclose anything from the Data Extraction to any other person, including the Requestor, without the agreement of the Designated Public Records Person. The confidential link will not be operational for the Requestor or any other non-designated person.
3. A brief description of why good cause exists not to release the requested records within the statutorily mandated timeframe. Good cause may include the substance of any Responses, the Estimate, and this Policy; why the records are privileged or confidential by law, regulation, or policy; or how release of the records would impair or impede SJH's ability to discharge its other duties.

As required by Wyoming law, the Ombudsman may consider whether the records are privileged or confidential by law or whether release of the records impairs or impedes SJH's ability to discharge its other duties. The Ombudsman shall review the records in camera and determine whether redaction of privileged or confidential information would permit release of the records.

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 5 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

The Ombudsman has the authority under Wyoming law to mediate the dispute, prescribe timelines for release of the records, or waive any fees charged by SJH.

If the Record Custodian at any time reasonably determines that disclosure of the contents of a record would do substantial injury to the public interest, notwithstanding the fact that the record might otherwise be available to public inspection, the Record Custodian may apply on SJH's behalf to the District Court of the district in which the record is located for an order permitting the SJH Record Custodian to restrict disclosure. Wyoming law dictates that after hearing, the District Court may issue an order upon a finding that disclosure would cause substantial injury to the public interest. The Requestor, in accordance with Wyoming law, shall have notice of the hearing served upon them in the manner provided for service of process by the Wyoming Rules of Civil Procedure and has the right to appear and be heard.

This Policy is a guideline and any perceived or alleged failure to comply with this Policy shall not be considered waiver of any confidentiality provision or process right of SJH. The Designated Public Records Person has the right at any time to ask that records released by the Designated Records Person as public records be destroyed and not re-disclosed if the Designated Public Records Person determines that the record is confidential and may have been disclosed by mistake. If the Requestor disputes such determination, they shall notify the Designated Public Records Person of their dispute and the dispute shall be handled by the Designated Public Records Person in accordance with the SJH Request Dispute Process above.

Maintenance of Public Records

SJH shall not search SJH electronic databases and document locations which are themselves confidential and thus do not contain public records. As an example, SJH electronic medical record and medical communications shall not be searched for public records.

Public records are maintained by SJH on systems over which SJH retains possession, custody, or control. SJH has possession, custody, or control of electronic devices owned or maintained by SJH. SJH does not have possession, custody, or control of electronic devices owned or maintained personally by SJH personnel or representatives and thus personal devices are not subject to search for public record. Electronic communications apps on personal devices which are maintained or controlled by SJH shall be subject to search for public record.

SJH personnel or representatives shall only conduct SJH work on electronic devices or communications apps subject to SJH maintenance and control. SJH personnel or representatives shall not conduct personal work or engage in personal communications on devices or apps which are subject to SJH control.

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 6 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023**Definitions****Public Records**

Public Records, as defined by Wyoming law, unless the record is privileged or confidential by law, include:

- Any information in a physical form created, accepted, or obtained by a governmental entity in furtherance of its official function and transaction of public business.
- Any written communication or other information, whether in paper, electronic, or other physical form, received by a governmental entity in furtherance of the transaction of public business of the governmental entity, whether at a meeting or outside a meeting.
- All original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever.
- All agreements and contracts to which a governmental entity is a party.
- All fidelity, surety, and performance bonds.
- All claims filed against a governmental entity.
- All records or documents required by law to be filed with or kept by a Wyoming governmental entity, including SJH.
- All records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents.
- All duplicate copies of official public records filed with any governmental entity.
- All documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office.

Non-Public Records

Non-Public Records are confidential records in the possession, custody, or control of SJH which are not subject to public disclosure. Records subject to legal confidentiality provisions or privileges shall not be subject to public disclosure but the reason for the confidentiality must be indicated in writing in response to public records requests. The following are examples of categories of records which are not public record:

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 7 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

- Gifts: Wyoming law mandates that consideration of receiving gifts is confidential, if the donor of the gift asks to have the donor's name kept confidential.
- Hospital Administration Records: Wyoming law mandates that hospital records relating to medical administration, medical staff, personnel, medical care, and other medical information, whether on individual persons or groups, or whether of a general or specific classification are confidential.
- Legal Advice: Wyoming law mandates that legal advice and matters concerning litigation to which SJH is a party or proposed litigation to which SJH may be a party is confidential. The law requires that for "legal advice" confidentiality to apply, an attorney must be present, and the purpose of the discussion must be to receive legal advice. For example, communications with attorneys about terms of contracts is confidential, but the final contract themselves are not confidential unless subject to another Wyoming confidentiality provision. As another example, consultations with counsel about public records requests are confidential. Wyoming law requires that for "litigation" confidentiality to apply, litigation must be contemplated or existing, but no attorney needs to be part of the communication. By law, Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency are not public record.
- Medical and Protected Health Information: Wyoming law mandates that medical, psychological, sociological regarding identifiable individuals are confidential. Wyoming law also mandates that physician-patient communication and protected health information are confidential. Protected health information includes information that can be used to identify an individual pertaining to past, present, or future health status that is collected, created, sent, or maintained by the hospital related to care, payment for care or operations.
- Personnel Matters: Wyoming law mandates that personnel matters are confidential. This includes appointment or employment of SJH contractors or employees, including but not limited to professionals, public officers, or employees. Letters of reference are confidential. Consideration of adopting or tendering offers concerning wages, salaries, benefits, and terms of employment during all negotiations is confidential. Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy are confidential.

Next Review Date: 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 8 of 10

Title: Wyoming Public Records Release**Date Approved:** 01/27/2023

Communications about personnel matters are considered part of an individual, or group of individuals, personnel file(s). Employment contracts, working agreements or other documents setting forth the terms and conditions of employment of public officials and employees are not considered part of a personnel file and are public record.

- **Quality Management Information and Peer Review Information:** Wyoming law mandates that quality management information and peer review information are confidential. Quality management information relating to the evaluation or improvement of the quality of health care services is confidential and includes reviewing the quality and necessity of care provided by the hospital, prevention of complications and deaths at the hospital, review of medical treatments and diagnostic and surgical procedures to provide safe and adequate treatment, evaluation of medical and healthcare services and the qualifications and professional competence of those performing or seeking to perform those services. All reports, findings, proceedings, and data of medical staff committees shall be confidential and privileged. Reports, findings, proceedings, and data of a professional standard review organization is confidential and privileged.
- **Real Estate:** Wyoming law mandates that communications regarding the selection of a site or purchase of real estate must be confidential when public disclosure of the consideration would cause a likelihood of an increase in price. By law, the contents of real estate appraisals made for SJH, relative to the acquisition of property or any interest in property for public use, are not public record until such time as title of the property or property interest has passed to the governmental entity.
- **Trade Secrets:** Wyoming law mandates that trade secrets are confidential and defined as any information, including a formula, pattern, compilation, program device, method, technique or process that derives independent economic value, actual or potential, from not being generally known and not being readily ascertainable by proper means or by other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Trade secrets may include financial, geological/geophysical data.

Public Records Published to Searchable SJH Public Information Website

Public Records Published to Searchable SJH Website are records which are routinely published on the searchable SJH public website.

Related Documents**Next Review Date:** 01/27/2026**Document Viewed:** 1/27/2023 8:37 AM**Originating Department:**
Marketing/Community Relations
Page 9 of 10



ST. JOHN'S HEALTH

Title: Wyoming Public Records Release

Date Approved: 01/27/2023

None

References

<https://wyoleg.gov/statutes/compress/title16.pdf>

Next Review Date: 01/27/2026

Document Viewed: 1/27/2023 8:37 AM

Originating Department:
Marketing/Community Relations
Page 10 of 10