



## Public Records Request Policy and Procedure

Adopted by City Council: August 1, 2022

Effective Date: August 1, 2022

## Public Records Request Policy and Procedure

### I. Purpose

Public records and public information created and maintained by the City of Albemarle, North Carolina or its subdivisions are the property of the people. It is the policy of the City of Albemarle that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. The purpose of this policy is to provide guidance to City employees in managing these public records requests and, in special circumstances, levying a reasonable service charge for public records requests that require extensive staff time for compilation.

### II. Definitions

**Public Records:** Pursuant to North Carolina General Statute 132-1, public record(s) shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. According to applicable law, certain items are exempt from public access. Records will be maintained in accordance with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources.

### III. Procedure

- a) Requests for public records may be submitted to the City Clerk in writing or verbally. Requests can be submitted in any manner including, in person at City Hall, via phone (704-984-9405) or by e-mail ([PublicRecordsRequest@albemarlenc.gov](mailto:PublicRecordsRequest@albemarlenc.gov)). The request should include enough information to enable the City to provide the information.
- b) The City Clerk will acknowledge receipt of the records request within a reasonable timeframe and will inform the requestor that the request will be completed as promptly as possible. The City Clerk will also forward a copy of the request to the City Manager.
- c) The City Clerk will forward the request to the Director of the City department for which the records are being requested (For example, a request for salary information will be sent to the Human Resources Director). Department Directors can delegate the collection of the requested information to other members of their staff to promote efficiency.
- d) The Department Director will send the requested records to the City Clerk once compiled. If the Department Director has a question about whether the information requested is non-public, exempt, or confidential, then the Department Director can

consult with the City Attorney or forward the record to the City Attorney for further clarification.

- e) The City Clerk is responsible for providing the written response directly to the requestor. In some instances, the City Manager or the City Attorney may provide the response, but the City Clerk must be provided with a copy for record keeping. Potential responses include:
  - i. Providing the entire record;
  - ii. Providing a partial record or outlining the reasons for only partially filling the request;
  - iii. Providing a cost estimate and payment request if a special service charge will be assessed for an extensive request; or
  - iv. Denying the request.
- f) If printed copies are requested, they must be provided. Paper copies will be \$.10 per page and \$.15 per page if paper copies are double sided. If mailing is requested, the cost of postage will be charged. The first ten (10) printed pages are provided at no cost to the requestor. The City will require prepayment for printed copies if the total fees are estimated to exceed \$50.00.
- g) If the requestor chooses to inspect the records in person rather than obtain copies, the City Clerk will notify the requestor once the records are available for inspection and any applicable fees will be paid prior to the review. The viewing of public records may be done only during normal business hours.

#### **IV. Special Service Charge**

North Carolina General Statute 132-6.2(b) authorizes public agencies to charge a special service charge for requests that require extensive use of information technology resources or extensive clerical or supervisory assistance. If a request will take more than four (4) hours to complete, the City will charge a reasonable fee, \$28 per hour, (in excess of the initial four (4) hours) to search, allocate, collect, sort, copy and prepare the records to be produced. This special service charge shall be in addition to any copying fees and will not be greater than the actual cost incurred to fulfill the request. A cost estimate will be provided to the requestor and approval along with prepayment will be obtained prior to responding to the request. If the cost exceeds the estimate, the requestor will be notified and additional approval and payment will be obtained prior to continuing with the remainder of the request.

- a) For estimating the amount of time needed to collect, download from the server and sort e-mails, calculate fifteen (15) seconds per e-mail. The formula for calculating the estimated time for completion in hours:  $X = \text{the number of e-mails, } Y = \text{estimated hours for completion } (X*15)/3600 = Y$

- i. Example: A records request produces an initial email collection of 500 emails and is estimated to take 2.08 hours to compile.  $(500 * 15) / 3600 = 2.08$  hours.
- b) All public employees involved in fulfilling a public records request shall keep a detailed record of the time spent (accounted for in fifteen (15) minute increments) searching for, locating, collecting, sorting, copying, and preparing the records to be produced.
- c) Sorting the information includes time spent searching for the requested information and removing information not requested, but that was obtained during the initial search of information. While a fee may be applied for sorting information responsive to a request, a fee cannot be applied for separating confidential from non-confidential information. This is a cost that the City must absorb pursuant to North Carolina General Statute 132-6(c). Time spent separating confidential from non-confidential information should not be included when calculating the time it takes to respond to a request.

## **V. Records Exempt from Public Access**

There are certain records that are exempt from public access. Below, are some of the exemptions to public disclosure <sup>1</sup>:

- a) Personnel Records (except for items listed in N.C.G.S §160A-168).
- b) Criminal Investigation Records (except items listed in N.C.G.S §132-1.4).
- c) Tax records containing information about taxpayer's income or receipts pursuant to N.C.G.S §160A-208.1.
- d) Public enterprise billing information pursuant to N.C.G.S §132-1.1.
- e) Economic development information (as long as the public inspection would frustrate purpose for which such public records were created) pursuant to N.C.G.S §132-6(d).
- f) Minutes of Closed Session Meetings (so long as public inspection would frustrate the purpose of a closed session) pursuant to N.C.G.S §143-318.10.

This policy and procedure is intended to serve as a general guideline for processing and responding to public record requests. We recognize that circumstances vary and encourage City Staff to evaluate each request on a case by case basis and consult with the City Attorney as needed.

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<sup>1</sup> This is a partial list of exemptions to public records that typically apply to municipalities and are amongst the most common encountered. Other records may also be exempt from public disclosure.