

Open Records Request

About the City of Varnell's Open Records Policy

The City of Varnell is committed to conducting City business in a manner that complies with all legal requirements, fosters citizen confidence in City government, and promotes efficient and effective governmental operations. The City recognizes the importance of communicating information to citizens and other interested parties and will cooperate in supplying requested information which is considered a matter of public record.

Policy:

The purpose of this policy is to provide procedures for open records requests.

Public Records:

The Official Code of Georgia Annotated (O.C.G.A.) §50-18-70 (a) defines a public record as all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared and maintained or received in the course of the operation of a public office or agency. Public records shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency that are not otherwise subject to protection for disclosure.

O.C.G.A. 50-18-70 through 77, called the Georgia Open Records Act, establishes the right of every citizen to inspect and take a copy of all records except those specifically exempt from being open. When an agency receives a record request under the Open Records Act, it must comply with guidelines established in the law:

- The agency has three business days from the date of the request to determine if the requested records are open or closed.
- If the records are closed, the agency must respond in writing specifying the legal authority for restricting access to the records.
- Otherwise, the records are to be provided within the three-day period or a plan for providing access to the records provided to the requester.

Ownership of Public Records:

Records created and acquired by an employee of the City of Varnell in the course of conducting government business are the property of the City of Varnell. Persons who create or acquire custody or possession of official records by virtue of their positions do not necessarily attain a proprietary interest in these records. City of Varnell records are public records under the law and belong to the government rather than the employee. All City employees are responsible for reporting any actual or threatened loss or removal of records to the City Clerk, City Attorney, City Administrator, or appropriate Department Head.

Release of Information Procedures:

Formal requests for information under the Public Records Act pursuant to O.C.G.A. 50-18-70 should be made in writing to the City Clerk. The City Clerk may accept requester's formal written request for further action. Informal requests may be made verbally. The public will not need to make a formal request for copies or viewing of routine ordinances, resolutions, agendas, and

minutes. Upon receipt of request, the City Clerk will notify the appropriate Department Head/Director/Division Head by for retrieval of information. When the requested information is complied, all information an estimate of costs and time, will be submitted to the City Clerk. The City Clerk will certify information, issue invoice, and notify requester to make arrangements for submittal of information.

Exception:

Standardized and routine open records requests such as accident, incident, and miscellaneous reports and general research and analysis requests from the Police Department will be received and handled by the Police Department. Also, open record requests pertaining to municipal court dispositions will be handled by the Clerk of Court, under the supervision and direction of the Judge.

Whenever either type of request is received, the designated person responsible for control of that information should ensure that the information is provided as quickly as possible. Any request for information that is determined by the Department Head to be other than routine or standardized information, shall immediately be forwarded to the City Clerk. Within 48 hours the City Clerk will be advised of requests, which cannot be available to the requester within three (3) business days from the date of receipt. The advisory will include a description of the records requested and a timetable for availability. The City Clerk will provide a written notification of this information to the requester within 24 hours. In no event shall more than three (3) business days lapse before a written timetable of inspection is provided to the requester from the City Clerk or the information is provided to the requester by the appropriate Department Head.

Exceptions to the Open Records law are provided below. If there is a question as to whether or not information requested is subject to the Open Record law, the Department Head shall immediately contact the City Clerk. In all cases, the City Attorney shall make the final decision if information is to be withheld and will provide a written response citing the appropriate code section, which exempts the records from being released.

Inspection of Records, Fees, Costs:

Pursuant to O.C.G.A. 50-18-70, if an individual has the right to inspect a record; he/she also has the right to make extracts or to make copies of the records under the supervision of the custodian of the records. If information is to be released, the requester will be allowed access, during normal business hours, to the documents containing the requested information. Departments should decide what hours to make documents available and monitor and supervise the inspection of approved records.

City of Varnell employees do not have to prepare reports, summaries, or compilations of public records not in existence at the time of the request.

Copies must be furnished, if requested, at a charge of \$.25 cents per page. A written response to all formal requests must be prepared indicating the time and place the records may be inspected and approximate cost involved. A fee may be charged for research, retrieval, monitoring, and other direct administrative costs involved with the request, after the first fifteen minutes of employee time expended. This fee should represent the salary of the lowest paid full-time employee who possesses the necessary skill and training to perform the request. Additional fees may be charged for other

relevant information (e.g. comprehensive plans, manuals, zoning and municipal ordinances, cassette tapes) in accordance to the adopted citywide fee schedules.

Redaction of Information:

Many documents/materials are exempted from release in their entirety and these items may be completely removed from the record. Other documents/materials contain only specific information, which is exempted from release. In these instances, a photocopy of the documents will be made and the specific exempted information will be blacked out with a heavy ink marker. The document photocopy will then be recopied to insure it cannot be read.

Exemptions:

Types of exempted documents that are not subject to disclosure are defined in O.C.G.A. 50-18-72. (In all cases, the City Attorney shall make the final decision if information is to be withheld and will provide a written response citing the appropriate code section, which exempts the records from being released) These are a few types of exempted documents:

1. Any record required by the federal government to be kept confidential.
2. An individual's social security number and insurance or medical information in personnel records, which may be redacted from such records (Pursuant to O.C.G.A. 50-18-72,11.1)
3. Medical files
4. Records compiled for law enforcement or prosecution purposes to the extent that production of such records would disclose the identity of a confidential source, disclose confidential investigative or prosecution materials, which would endanger the life or physical safety of any persons, or disclose the existence of a confidential surveillance or investigation.
5. Records of law enforcement prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports, accident reports, and incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving said investigation and prosecution has become final or otherwise terminated.
6. Records that consist of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee, and records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged.
7. Real estate appraisals, engineering or feasibility estimates, or other records made relative to the acquisition of real property until such time as the property has been acquired or the proposed transition has been terminated or abandoned.
8. Those portions of records which would identify persons applying for or under consideration for employment or appointment as executive head of an agency ("agency" is defined as a

department, commission, board or authority, not just the city government); provided, however, that a least fourteen calendar days prior to the meeting at which final action or vote is to be taken on the position, the agency shall release all documents which came into its possession with respect to as many as three persons under consideration whom the agency has determined to be the best qualified for the position and from among whom the agency intends to fill the position. Prior to the release of these documents, an agency may allow such a person to decline from being considered further for the position rather than have the documents pertaining to the person released. If the agency has conducted its hiring or appointment process open to the public, it shall not be required to delay 14 days prior to taking final action. The agency shall not be required to release such records with respect to other applicants or persons under consideration. Upon request, the agency shall furnish the number of applicants and the composition of the list by such factors as race and sex.

9. Records that would reveal the home address or telephone number, social security number, or insurance or medical information of law enforcement officers, or judges or identification of immediate family members or dependents thereof.

Examples of those records considered exempt from being open are as follows:

1. Portions of personnel files that include medical records, evaluations and exams, and materials obtained to investigate disciplinary action until ten days after issue is resolved.
2. Documents concerning on-going criminal investigations, the informants and, in exceptional cases, names of complainants other than the initial arrest reports, accident reports and incident reports.
3. Names or addresses of juvenile offenders.
4. Real estate documents pending acquisition.