

Policy & Procedures

Policy: Public Records Request Policy and Procedure
Adopted: April 6, 2020 by Goldsboro City Council
Amended: September 19, 2022 by Goldsboro City Council

Purpose:

Establish procedures for access to public records.

Key Definitions:

Public records – All documents, paper, 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. By statute, certain items are exempt from public access. Records will be retained in accordance with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources.

Custodian of the records – The official in charge of the office that holds the public record, typically the department head or his/her designee or the City Clerk.

Extensive public records request -- When the nature or volume of the public records requested to be inspected, examined, or copied requires the use of City of Goldsboro information technology resources and/or labor time required of clerical or supervisory employees exceeds four hours, the particular use of such resources is considered extensive.

Procedures:

- a. Requests for public records may be submitted via the Citizen Request/311 link on the City of Goldsboro's website, by email or in writing to the City Clerk. The request should include the name, address, email address and telephone number of the requesting party. The request must be specific enough to enable the custodian to provide the information.
- b. After receipt of the request, the City will provide an acknowledgement of the request within five (5) business days. For requests that do not require extensive research or use of information technology or extensive clerical resources, the City will provide a follow-up response to the request as soon as possible, normally within ten (10) business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day.

In the follow-up response, the City may:

1. Provide the records (or a link to the portion of the website that contains the records).
2. Request clarification.
3. Provide a reasonable estimate of time that it will take to produce the records (if the documents aren't readily available).

4. Give estimated timeframes for delivery of extensive requests. The City may have to produce the records in a partial or installment basis. The City will provide the estimated timeframes for each incremental delivery.
 5. Deny the request and provide an explanation of the basis for the denial.
- c. The City Clerk will forward the request to the responsible custodian. The City Clerk will notify the City Manager and/or Assistant City Manager of ~~the~~ any extensive public records request.
 - d. The custodian of the records should respond to the request as promptly as possible, through the City Clerk, with the timeframe for response dependent upon the complexity of the request.
 - e. The custodian(s) shall provide the record to the City Clerk. The custodian is responsible to ensure that non-public, exempt or confidential records are excluded from the request. If the custodian(s) has a concern whether the request complies with NCGS Chapter 132, he or she will consult with the City Clerk, who will forward the record to the City Attorney for review and clarification.
 - f. The City Clerk is responsible for providing the written response directly to the requestor. In some situations, the City Manager or the City Attorney may provide the response, but the City Clerk must be provided with a copy for record-keeping.
 - g. If copies are requested, copies must be provided to the requestor. Paper copies will be \$0.25 per page. If mailing is requested, the cost of postage will be charged. The City will require prepayment if the total fees are estimated to exceed \$100.00.
 - h. If the requestor chooses to inspect the records in person rather than obtain copies, the City Clerk will notify the requester when 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.

Special Service Charge:

NCGS 132-6.2(b) authorizes public agencies to charge a “special service charge” for requests involving extensive use of information technology resources or extensive clerical and/or supervisory assistance. If a request will take more than four (4) hours, the City will charge a reasonable fee, \$33 per hour (in excess of the initial four hours) to search, locate, collect, sort, copy and prepare the records to be produced. A cost estimate will be provided to the requestor and approval and payment will be obtained prior to the completion of the work after the (4) four-hour timeframe. If costs exceed the estimate, the requestor will be notified and additional approval and payment will be obtained prior to completion of the request.

Records Exempt from Public Access:

- a. Personnel records (G.S. 160A-168)
- b. Criminal investigation records (G.S. 132-1.4)
- c. Attorney-client consultations (G.S. 132.1.1 (a))
- d. Trade secrets or confidentialities of third parties (G.S. 132.1-2)

- e. Tax records containing information about taxpayer's income or receipts (G.S. 160A-208.1)
- f. Minutes of closed session meetings (G.S. 143-318.10(e))
- g. Water and sewer customer billing information (G.S. 132-1.1 (c)) and G.S. 132.1.2 (2))
- h. Social security numbers and other identifying information (G.S. 132-1.10)
- i. Economic development information (G.S. 132-6(d))
- j. Personal records (not related to the transaction of public business)

* Note: This is a partial list of the exemptions that typically apply to municipalities. Other records may also be exempt from public disclosure.

** Note: This Policy is designed to provide guidance only, and in the event of conflict between this Policy and the law, the law prevails.