Public Records Policy and Procedure

I. Purpose

The purpose of this policy is to establish procedures for public access to public records. Records will be retained in accordance with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources. Each department has a copy of the schedule or it can be found on the internet at http://www.ah.dcr.state.nc.us/records/local/. If there is a question as to whether a document is open to the public, please consult the City's Public Records Policy or confer with your supervisor or the City's Staff Attorney.

II. Definitions

Public records means 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. By statute, certain items are exempt from public access (see attachment). Personal notes are not considered public record.

Public records with short-term value – Records of short-term value may be destroyed or otherwise disposed of when their reference value ends. These include items such as fax cover sheets containing only transmittal, routing slips, reservations and confirmations, and preliminary or rough drafts once the final document is completed.

Custodian of the records means the official in charge of the office that holds the public record, typically the department head or assistant department head or his/her designee.

III. Procedures

a. Requests for public records should be submitted in writing. The request should include the name, address, and telephone number of the requesting party. The request must be specific enough to enable the custodian to provide the information.

b. The custodian shall allow inspection of the requested records, provided that they are public. The custodian is responsible to ensure that non-public or confidential records are excluded from the request. Records must be viewed in the presence of a custodian, and the viewing of public records may be done only during normal business hours.

c. If copies are requested, copies must be provided in the requesting party's media of choice, providing the records are available in that format. Fees will be charged in accordance with the current fee schedule.

d. The custodian shall provide the requested information but shall not offer any explanation of the records.

f. The custodian of the records shall respond to the request as promptly as possible, with the time frame for response dependent upon the complexity of the request.

g. The custodian must notify the City Manager of the request and provide to the Manager the information that is reviewed and produced to meet the request.

IV. Attachment

Records Exempt from Public Access

Approved:

Mick Berry, City Manager

6.20.06
Date

Records Exempt from Public Access*

- Personnel records (except for employee's name, dates of employment, position, salary, date and amount of last salary change, date of most recent change in employment status, work location) (G.S. 160A-168)
- Criminal investigation records (except details of criminal incidents, information about person charged or arrested, circumstances of arrests, contents of 911 calls, radio communications between law enforcement personnel) (G.S. 132-1.4)
- Attorney-client consultations (becomes public after 3 years) (G.S. 132.1.1)
- Trade secrets or confidentialities of third parties (if designated as such when information was initially disclosed) (G.S. 132.1-2)
- Tax records containing information about taxpayer's income or receipts (G.S. 160A-208.1)
- Minutes of closed session meetings (until reason for closed session is no longer valid) (G.S. 143-318.10(e))
- Water and sewer customer billing information (G.S. 132-1.1(c) and (G.S. 132.1.2(2))
- Library customer records (G.S. 125-19)
- Social security numbers and other identifying information (G.S. 132-1.10)
- Economic development information (as long as public inspection would frustrate purpose for which record was created) (G.S. 132-6(d))

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