

East Georgia State College Open Records Policy

Adopted by President's Cabinet 8/27/19; Revisions Adopted by President's Cabinet 5/14/20

The Georgia Open Records Act promotes open government by providing for public access to public records without delay. Any EGSC employee may receive an Open Records request; therefore, all employees should be familiar with this material. The Chief of Staff/Legal Counsel at East Georgia State College (the College) is responsible for administering the College's compliance with the Georgia Open Records Act. The Chief of Staff/Legal Counsel seeks to make the College's open records compliance procedures user-friendly, non-adversarial and open. This policy will guide recipients on the proper procedure upon receipt of an Open Records request and explain the roles and responsibilities of administrators and the Open Records Manager in responding to an Open Records request.

Procedures for Handling Open Records Requests

Employees should be aware that open record requests vary greatly in the type of sender, the format and request name:

- Sender: Individual, employee, attorney, student, etc.
- Format: oral or written (print, fax, email or other electronic format);
- Request Name: Request for information, FOIA, Sunshine Law request, etc.

A request does not have to follow a specific format or mention the Georgia Open Records Act to be valid and to trigger the three-day response period. Therefore, any College employee receiving an oral or written request for records should **immediately notify EGSC Chief of Staff/Legal Counsel who serves as the college's Open Records Manager 478-289- 2165.** The employee receiving the request should NOT respond to the requester, even for clarification, unless directed to by the Chief of Staff/Legal Counsel. The search, retrieval, redaction and copying of the requested documents is often time intensive. Some records may not be released due to a privacy law or statute that prohibits their release. Therefore, **it is imperative that Open Records Requests be forwarded as soon as they are received to the Chief of Staff/Legal Counsel for review to enable the evaluation process to occur during this three-day period.**

Upon receipt of an Open Records Request, Chief of Staff/Legal Counsel (hereinafter Open Records Manager) will perform the following initial evaluation tasks:

- Contact the requestor directly to clarify the request and determine which records are responsive to the request;
- Contact the administrator(s) responsible for the records to determine whether the records exist, the volume of documents or data, and the time required to search, retrieve, redact (if necessary) and copy the records;
- Remind all contacted administrator(s) of the timeliness required in the response and the confidential nature of the request;
- Determine necessary redactions in compliance with USG policy, FERPA, HIPAA and other privacy acts and regulations;
- Determine whether any of the requested information is exempt from disclosure; and
- Determine the college's response to the requester and timeline for production of the requested documents.

If the records are readily accessible, are not voluminous and the costs to redact and copy the records do not exceed \$25* the administrator responsible for the requested records will locate, copy, redact and send the records to the Open Records Manager. The Open Records Manager will again remind the administrator of confidentiality requirements while performing this task. The Open Records Manager is responsible for ensuring documents are redacted when necessary, identifying and withholding exempt information, and stating disclosure exemptions with applicable legal authority in the response to the requester. The Open Records Manager will respond to the requester with applicable records within the three-day period.

*The Georgia Open Records Act allows a copy charge of .10 per page for letter and legal-size documents and actual copy charges for all other documents. A charge for storage media and a charge for staff time used in the search will also be assessed. The staff charge is based on the lowest paid employee qualified to search, redact and assemble the documents.

If the records are voluminous, all or some are not readily accessible or other circumstances prevent a timely production of all documents, the Open Records Manager will respond to the requestor within the three-day period with a description of the responsive records, produce responsive records that are accessible if possible, provide a timeline for when the remaining records will be available and agree to provide the responsive records or access thereto as soon as practicable. If the cost to provide the records exceeds \$25, the above response will include estimated costs. If estimated costs exceed \$500, prepayment will be required. The Open Records Manager will defer search and retrieval of the records until the requestor consents to the estimated costs, unless the requestor has stated in the request a willingness to pay an amount that exceeds the estimated costs.

When the requester's consent and/or payment is required prior to proceeding, upon receipt of the same, the Open Records Manager will notify the relevant administrator to gather the records, copy, redact and provide them to the Open Records Manager. The Open Records Manager will follow the process as stated above to respond.

The Office of Legal Affairs maintains a written log to track all requests, responses and related documents. This log is kept by fiscal year and is stored in the Office of Legal Affairs. The records are retained according to the University System of Georgia's Record Retention Schedule and Georgia Open Records Act.

HOW TO MAKE AN OPEN RECORDS REQUEST

Individuals Requesting Documents: The Open Records Manager recommends using the **OPEN RECORDS REQUEST FORM**. Although use of the form is not required, it is designed to help requestors provide enough detail to clearly identify the records desired. Please be advised that some records may not be released due to a privacy law or statute that prohibits their release. You will be assessed a \$.10 per page for paper copies for letter or legal-size documents, and for all other documents, the actual cost of producing the copy. For information requested on a data storage device, you will be charged the actual cost of the data storage media. You will also be charged the hourly rate of the employee who retrieves and copies these documents less the first quarter hour. The Open Records Manager will contact you with an estimate prior to fulfilling a request. Please see the Frequently Asked Questions below, or contact Chief of Staff/Legal Counsel, Open Records Manager, East Georgia State College, 131 College Circle, Swainsboro, Georgia, 30401; Telephone: 478-289-2165; mcsmith@ega.edu.

Frequently Asked Questions

What is the Georgia Open Records Act?

It is a state law requiring that public records be open and available for inspection by any member of the public. Please visit the **Georgia Attorney General's Office Open Records page** for more information <http://law.ga.gov/>

What is a public record?

Public records include virtually all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared, maintained or received in the course of the operation of a public office or agency. Records held by private persons for a state agency and records held away from the work site are subject to the law.

Does the Open Records Act apply to East Georgia State College?

Yes; the Act applies to all public agencies.

Who may make a public records request?

Any member of the public may request an inspection of any public record.

How can I make an Open Records Request?

A request may be made to EGSC Chief of Staff/Legal Counsel, Open Records Manager, East Georgia State College, 131 College Circle, Swainsboro, Georgia 30401; mcsmith@ega.edu

A request form is provided for your convenience [Open Records Request Form](#).

What is the purpose of the Open Records Act?

The purpose of the Act is to encourage public access to government information and to maintain the public's confidence in government through openness to the public.

What records are exempt from disclosure under the Open Records Act?

Numerous exemptions exist in the Open Records Act. Some of the common exemptions applicable to an institution of higher education include, but are not limited to:

- Medical and other materials involving matters of personal privacy;
- Records relating to pending investigations;
- Records required by the federal government to be kept confidential such as student education records; Trade secrets and certain information of a proprietary nature;
- Certain research data, records or information that has not been published, patented, or otherwise publicly disseminated;

- Personal and financial information of donors;
- Confidential evaluations submitted to a public agency in connection with the hiring of a public employee

Are personnel files and performance evaluations subject to disclosure under the Georgia Open Records Act?

As a general rule, most documents found in personnel files must be disclosed, but there are exceptions. Documents contained in a personnel file, if not exempt, may be released if redacted and after any applicable time limitation. Performance evaluations may be disclosed after redaction. Redaction is the removal of person information such as social security number, bank account information, medical or insurance information, etc., from the document prior to disclosure.

Are e-mails I send and receive subject to disclosure under the Open Records Act?

Yes, e-mails are open records, whether or not the subject is business related, if one or more of the following criteria are met: they involve state business, they are sent over a College account (even if on a privately held computer at home), they are sent on or through College equipment, no matter where located.

Does the College notify employees named in records being disclosed?

The College's policy is to notify employees whose performance evaluation or personnel files have been requested and are being released under compliance with the Act.

Can the College charge requestors for the cost of copies and staff time used in the search?

Yes. The Act allows a copy charge of .10 per page for letter and legal-size documents and actual copy charges for all other documents. A charge for stat storage media and a charge for staff time used in the search will also be assessed. The staff charge is based on the lowest paid employee qualified to search, redact and assemble the documents.

How critical is the time element in complying with the Open Records Act?

It is critical that any unit receiving a request for records immediately notify the Open Records Manager. The three-day time period starts running from the date the College receives the request, not when the unit relays the request to the Open Records Manager. It is the responsibility of department heads to assure there is no delay in this notification to the Open Records Manager. A civil penalty of \$1,000 could be imposed for violation of this law.

Pease contact Chief of Staff/Legal Counsel, Open Records Manager, 478-289-2165 or mcsmith@ega.edu for more information.