

East Georgia State College Open Records Policy

The Office of External Affairs at East Georgia State College (the College) is responsible for administering the College's compliance with the Georgia Open Records Act (the Act). External Affairs seeks to make the College's open records compliance procedures user-friendly, non-adversarial and open. The laws of Georgia make virtually every record held at the College, subject to a few exceptions (see below), accessible to any citizen requesting to see it. Any faculty or staff member at the College may receive a records request. Therefore, all should be familiar with this material. This policy will guide recipients on the proper procedure upon receipt of an Open Records request and assist in determining whether the records exist, if they fall under the Act, and how to timely produce the records to the requestor.

Procedures for Handling Open Records Requests:

Any College employee receiving a verbal or written request for records held under his or her departmental responsibility should **immediately notify Elizabeth Gilmer, Open Records Manager**, in the Office of External Affairs, 479-289-2037. An individual department should NOT contact the person making the request, even for clarification, unless directed to by the Office of External Affairs.

This law places important responsibilities on the recipient of the Open Records Request. **Georgia law mandates a response to the records request within three business days.** The search, retrieval, 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 Office of External Affairs for review and response.**

External Affairs will contact the requestor directly to clarify the request and determine which records are responsive to the request. External Affairs will then contact the administrator 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. It is then the duty of the administrator responsible for the records to search for and retrieve the records required to make the response.

Upon completion of the search and retrieval process, the records should be sent to External Affairs (not directly to the requestor). If the records are readily accessible, are not voluminous and the costs to produce the records do not exceed \$25, External Affairs will respond within the three day deadline with the requested documents. If the records are voluminous, all or some are not readily accessible or other circumstances prevent a timely production of all documents, External Affairs will respond to the requester within the three day period with a description of the responsive records, produce all responsive records that are accessible, provide a timeline for when the records will be available for inspection and copying 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. External Affairs will defer search and retrieval of the records until the requester consents to the estimated costs, unless the requester has stated in the request a willingness to pay an amount that exceeds the estimated costs.

If the requester replies to proceed with the production, the department will be notified to gather the records and provide them to the Open Records Manager. In any instance where records are required by law or policy to be withheld, External Affairs will notify the requester of the specific legal authority exempting the requested records from disclosure within three business days.

HOW TO MAKE AN OPEN RECORDS REQUEST

Individuals Requesting Documents: The Office of External Affairs 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 Office of External Affairs will contact you with an estimate prior to fulfilling a request. Please see the Frequently Asked Questions below, or contact Elizabeth Gilmer, Open Records Manager, Office of External Affairs, East Georgia State College, 131 College Circle, Swainsboro, Georgia, 30401; Telephone: 478-289-2037; egilmer@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 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 Elizabeth Gilmer, Open Records Manager, at 478-289-2037, egilmer@ega.edu; East Georgia State College, 131 College Circle, Swainsboro, Georgia 30401.

A request form is provided for your convenience **Open Records Request Form**. [insert direct link to the 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?

The law presumes all records are open and places the burden on the College to demonstrate the requested materials are exempt. The exemptions are:

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?

Yes.

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 Office of External Affairs. The three day time period starts running from the date the College receives the request, not when the unit relays the request to External Affairs. It is the responsibility of department heads to assure there is no delay in this notification to External Affairs. A civil penalty of \$1,000 could be imposed for violation of this law.

Pease contact Elizabeth Gilmer, Open Records Manager in External Affairs, at 478-289-2037 for more information.

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