



TOWN OF SUMMERFIELD Public Records Request Policy

POL-2012-002



I. PURPOSE

To establish a uniform protocol for responses to Public Records Requests and to ensure citizens receive responses in a timely manner while recognizing the Town has a limited number of staff members with separate job duties. It is the Policy of the Town of Summerfield to comply with N.C.G.S. § 132-6, and all case law interpreting same.

II. PROCESS

In order to effectively streamline and track requests, all requests for public records must be made in writing (signed by the Requestor) and mailed, hand delivered, e-mailed, or faxed to the Town of Summerfield Town Clerk. [NOTE: Public Record Laws provide for the inspection and examination of public records. However, the law does not provide for the creation of records if no such records exist.] Information for these delivery methods are as follows:

Mailing Address:

Town of Summerfield
Attn: Town Clerk
Post Office Box 970
Summerfield, North Carolina, 27358

Delivery Address:

Town of Summerfield
4117 Oak Ridge Road
Summerfield, North Carolina, 27358

Fax Number: (336) 643-8654

E-mail Clerk@summerfieldgov.com

In order to streamline and track the records request process, requests made by telephone will not be accepted.

When making a Public Records Request, the written request shall contain the following information:

- 1) The date of the Request;
- 2) The name of the Requestor;
- 3) The full address of the Requestor;
- 4) The telephone number of the Requestor;
- 5) A complete description of the requested records;
- 6) The title and date of the requested record; if known; and
- 7) Whether the Requestor wishes to inspect the record or obtain a photocopy of the record. (Cost set forth below in "Duplication and Transmission Fees and/or Costs.")

A Public Records Request Form is available for use in requesting public records and may be obtained from the Town Clerk.

Upon receipt of a Public Records Request, the Town Clerk shall acknowledge same as soon as practicable. The Clerk shall do so in the following manner:

- 1) Provide the citizen with the acknowledgement letter attached as Appendix 1 to this Policy. The Clerk shall do so by hand delivering a copy, e-mailing a copy, faxing a copy, or sending same via first class mail depending upon the method in which the Request was received and the availability of the citizen. The acknowledgement letter will also include fee or cost estimates for providing records (if known) and a request for any clarifying information needed to process the Request.
- 2) The Clerk shall open a file on the Request on the date it was received. A copy of the acknowledgement letter will also be maintained in the file.
- 3) All Public Records Requests shall then be reviewed by the Town Attorney as soon as practical. The Town Attorney will review the Request to ensure full legal compliance in accordance with N.C.G.S. § 132-6.
- 4) Once a complete Request has been reviewed by the Town Attorney, the Town will respond to the Requestor by:
 - a) producing the record; or
 - b) denying the Request (in writing) accompanied by an explanation of the basis for the denial; or
 - c) producing the Request in part and denying the Request in part, accompanied by an explanation (in writing) of the basis for the denial in part.
- 5) If the Requestor specifies a format in which the record should be disclosed, the Town will disclose the records in their requested format, if:
 - a) the Town is capable of providing the records in the format requested;
 - b) the format requested is reasonable;
 - c) the Requestor pays all required fees and/or costs.
- 6) In the event a Requestor chooses to inspect the records released pursuant to the Request, the Clerk will notify the Requestor once the records are available for inspection. The records will be made available for inspection at a date and time mutually agreeable between the Requestor and the Town. The appointment for inspection of the records may need to be broken into intervals, possibly over a period of days, so as not to interfere with the daily operations of the Town employees.
- 7) If the Requestor fails to contact the Town within fourteen (14) calendar days of being notified the records are available for inspection:
 - a) the records will be re-filed; and

b) the Requestor will need to submit a new Public Records Request for the records.

- 8) **Extraordinary Public Records Request:** A Public Records Request is deemed extraordinary when, in the Town Manager's opinion, a Request would unreasonably interfere with a Staff member's primary duties or requires the assistance of more than two (2) hours from a contractor engaged by the Town to perform Town functions. When the Town Manager deems a Request to be extraordinary, whether on its face, or after the Town's response to the Request has begun, he/she will notify the Requestor in writing of the estimated costs to complete the Request. Such estimate shall include:
- a) the hourly rate for the completion of the request (calculated in reference to staff/contractor time and/or encumbrance on Town technology) and a conservative estimate of the time necessary to fulfill the request, and
 - b) request for payment of that estimate in advance.

If the Manager deems such a Request extraordinary after the response to the Request has begun, a similar estimate will be sent. (no charge shall be retroactive for work already completed in addressing the Request).

In the event a Request is deemed extraordinary, the Requestor also has the option to enlarge the time for response to the Request in order to alleviate the acute burden of the Request on staff time and Town resources.

III. DUPLICATION AND TRANSMISSION FEE/COSTS

Prior to the release of any public record, the Town will collect duplication fees and/or costs. The Town Clerk will update and post duplication costs as appropriate.

The 2011-2012 budget year cost schedule for copies is as follows:

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|---|-----------------------------|
| • 8 1/2" x 11" single-sided hardcopy | \$0.10 |
| • 8 1/2" x 11" double-sided hardcopy | \$0.20 |
| • Compact Disc Read-Only Memory (CD-ROM) | \$2.00 |
| • Site Plans, Drawings, Maps, etc. | (See Planning Fee Schedule) |
| • E-mail attachment (ten[10] megabytes or less) | No Cost |

Copies of public records that are not otherwise collected or available in pre-printed form, and that require an extensive use of clerical or information technology resources, may be considered a special service and subject to an additional labor charge. The additional labor charge shall be the hourly rate of pay for the position of Town Clerk. Charges under this provision shall be imposed for every six (6) minute increment.

Applicable postage costs shall be charged for mailing copies of public records to any person, firm, or corporation. Postage costs shall be in addition to any other cost or fee provided herein.

IV. DEPOSIT FOR DUPLICATION

In the event it is estimated the duplication or transmission fees and/or costs applicable to a particular records Request exceeds \$25.00, the Town, at its discretion, may require the Requestor to deposit a sum equal to seventy-five (75%) of the estimated fee and/or cost prior to duplication of the records.

In the event a deposit is required, the Town will notify the Requestor of the necessity of the deposit. In the event the actual duplication fee and/or cost are less than the amount deposited by the Requestor, the Town will refund the sum in excess of the actual amount to the Requestor.

V. PAYMENT REQUIRED FEES/COSTS

Payment of duplication and delivery fees and/or costs will be made prior to the release of public records. When required, the payment of a deposit will be made prior to the duplication of any records (See Paragraph "IV" above). All payments will be made by cash, money order, or certified check payable to the Town of Summerfield.

Payment will be made in person to the Town Clerk at Town Hall. A copy of the Public Records Request must be submitted with payment.

VI. FAILURE TO PAY REQUIRED FEES/COSTS

In the event a Requestor fails to pay for fees and/or costs within thirty (30) calendar days of notification of same, the Town will require the Requestor to pay in full the past due amount owed before it will begin processing a new Request or a pending request from the delinquent Requestor.

The Town may require advance payment of the full estimated amount for any future Requests before processing a new or pending request from that Requestor.

If the Town is unable to collect the duplication fees and/or costs from the Requestor, the Town may, upon providing thirty (30) calendar days prior written notice to the Requestor, destroy the duplication set of records made available for the Requestor in order to avoid storage concerns. Although the duplicated records are destroyed, the Requestor will still be responsible for the fees and/or costs incurred by the Town. Written record of the destruction will be maintained.

VII. EFFECTIVE DATE

This policy shall become effective upon adoption by the Town Council. Any Public Records Requests that have been received by the Town, but not yet filled as of the date of adoption, shall be subject to this policy.