

NEWTON COUNTY OPEN RECORDS ACT POLICY

As a public entity, Newton County is subject to the Open Records Act, O.C.G.A. § 50-18-70 et seq. Newton County is committed to conducting its business in a manner that complies with all legal requirements, fosters citizen confidence in County government, and promotes efficient and effective governmental operations. The County recognizes the importance of communicating information to citizens and other interested parties and will cooperate in supplying requested information that is considered a matter of public record. In Georgia, there is a strong presumption that public records should be made available for public inspection.

The law requires that Newton County make available for public inspection public documents within three business days of receiving a request. All documents or other records (including video, audio, or electronic records) prepared or maintained by Newton County, its contractors, as well as documents prepared or maintained by its employees as part of their job responsibilities, are subject to the Open Records Act. The purpose of this policy and its procedures is to ensure compliance with the law and to provide staff guidance on responding to Open Records Act requests.

POLICY STATEMENT

Newton County must respond to Open Records Act requests as required by the Open Records Act, O.C.G.A. § 50-18-70 et seq. (the "ORA"). With limited exceptions, such as obtaining an extension from the requester, Newton County must respond to such requests within three business days. In response to an ORA request, Newton County will allow the requester to view public documents and, for a fee, make copies of the requested records.

The Board of Commissioners of Newton County has designated the Directors of the each Agency/Department under the Newton County Board of Commissioners as the County's Open Records Officer ("Records Officer"). Records Officers are responsible for responding to Newton County ORA requests and must work to ensure Newton County's compliance with the ORA.

SCOPE

This Policy applies to all Newton County employees, officers, elected officials, and agencies. Please note that the County's Constitutional Officers, who also must comply with the ORA, may choose to opt-in to this policy but otherwise are not obligated to follow the County's policies and procedures contained herein.

PROCEDURE

ORA requests are not deemed received until delivered to a Records Officer, and the three day response period does not begin to run until the request has been received by a Records Officer. If an employee of Newton County receives a request, the employee has an obligation to instruct the party requesting records to direct their request to the appropriate Records Officer or immediately notify a Records Officer of the request.

- 1) Upon a Records Officer's receipt of a request for public records, the request shall be date-stamped or otherwise marked to indicate the date and time of receipt
- 2) Within 24 hours following a Records Officer's receipt of the request, the Records Officer shall either request the assistance of the County Attorney or contact the Department(s) responsible for the requested records.
- 3) Within three business days of a Records Officer's receipt of the request, the Records Officer, or County Attorney, shall:
 - a. Provide the requested records to the requester; OR
 - b. Provide a pre-retrieval estimate to the requester if the costs to produce the requested records will exceed \$25.00; OR
 - c. Notify the requester that while the requested records may exist, they are not currently available for production, and provide the requester a timetable for production of the requested records; OR
 - d. Notify the requester that the requested records are not subject to disclosure; OR
 - e. Notify the requester that the requested records do not exist.

All County responses to ORA requests shall be in writing. Further, any communications with a person making a request, including extensions or clarifications, shall be memorialized in writing and attached to the original request.

With respect to all records produced pursuant to the ORA, each responding Records Officer shall maintain a copy of such records sufficient to clearly show what records were produced in response to the request. In addition, the responding Records Officer shall maintain the original request, and all correspondence between the County and the person making the request.

Costs:

Pursuant to the ORA, the County is authorized to charge for the search, retrieval, redaction, and production or copying costs involved in responding to ORA requests, after the first 15 minutes of Department employee time expended, at the hourly rate of the lowest paid, full-time employee who possesses the necessary skill to so respond. To ensure consistency, any employee who retrieves records responsive to an ORA request shall, in every case, inform the Records Officer of the time spent (or in the case of a pre-retrieval estimate, the time estimated to be spent) responding to the request (including time spent redacting records), as well as the applicable hourly rate.

The County may also charge ten (10) cents for each letter or legal-sized page copied and an additional fee for certified copies or other copies for which a fee is specifically authorized or otherwise provided for by law. When the documents requested are de minimis, 20 pages or less, County employees are not required to charge for the request.

If the cost of responding to an ORA request will exceed \$25.00, the County may defer search and retrieval of the records until the requestor agrees to pay the estimated costs. In such cases, employees should provide an estimate to the Records Officer of the time expected to be spent responding to the request and the costs of the materials requested. Once the requestor notifies the Records Officer of their approval of the costs of the estimate, the County may begin

compiling responsive records, and shall provide responsive records within three business days. Because Newton County reserves the right to adjust upward or downward depending upon the number of copies and the amount of time it takes to respond, upon providing the Records Officer with documents responsive to an ORA request, employees should inform the Records Officer of the actual time expended and costs of materials provided even if the cost is in excess of the estimate provided.

Responsibilities: It shall be the responsibility of every employee, officer, elected or appointed official, and agency of Newton County to ensure compliance with the Georgia ORA

Newton County Departments: Newton County Departments are responsible for maintaining their own records and for collecting and preparing requested documents in response to an ORA request. Any Newton County employee receiving a request for records held under his/her individual or departmental responsibility should immediately notify the appropriate Records Officer. A request may be verbal—it is not necessary that a request be in writing—although any requestor may submit a written request under the law if they so desire. When a Records Officer or County Attorney requests records from any County Department or employee pursuant to a pending ORA request, such requested records or a pre-retrieval estimate, shall be provided to the Records Officer or County Attorney as soon as practicable to ensure the Records Officer or County Attorney has adequate time to review the documents prior to providing them to the requester.

Records Officer: Upon receiving an ORA request, Records Officers will determine whether the assistance of the County Attorney is necessary. If the Records Officer requires the assistance of the County Attorney in responding to a request, the Records Officer shall, as soon as practicable, and within 24 hours of receipt, notify the County Attorney of the request, who will coordinate with the County to ensure a timely response to the request. If the Records Officer requests that the County Attorney handle the response to an ORA request, the Records Officer shall assist the County Attorney by providing documents for review or directing the County Attorney to the Departments with records responsive to the request. When the Records Officer provides documents responsive to an ORA request for the County Attorney to review, such documents must be provided to the County Attorney as soon as possible, but in no case less than 24 hours before the close of business on the day a response to the requesting party is due.

If the Records Officer does not require the assistance of the County Attorney, the Records Officer shall contact the Department responsible for the requested records to determine whether they exist, how voluminous they might be, and how much time might be required to search, assemble, and redact them. Within three business days of the original request as required by law, the Records Officer shall issue a response to the requester as provided in this Policy.

IT: IT shall be responsible for producing email correspondence as requested by Records Officers or County Attorney. Records Officers or County Attorney shall submit to IT a Newton County E-mail Records Search Request form, attached as Exhibit A hereto and incorporated herein by reference, that shall include the email accounts, terms, and date ranges to be included in IT's

search for emails. IT shall not deviate from the parameters specified in the search form and should consult either Records Officers or County Attorney should any issues arise. IT is not responsible for reviewing the content or responsiveness of the emails produced from an email search except to confirm the inclusion of the search parameters in the resulting emails. Searches requested by Records Officers or County Attorney must be completed as soon as practicable, but in no case beyond 24 hours of IT's receipt of the search request form.

TRAINING

Records Officers, all employees of the Department of Information Systems, and any employee of Newton County who will be responsible for compiling documents responsive to ORA requests must complete ORA training with the County Attorney. Training must be completed **within 90 days** of taking the oath of office or assuming duties. A "refresher" ORA training is also required every four years.

ENFORCEMENT

Any person who knowingly and willfully fails to respond to an ORA request may be found guilty of a misdemeanor criminal act, and fined up to \$1,000 for the first violation. Additional civil and criminal penalties may also be imposed.

Violation of this Newton County policy may result in disciplinary action, up to and including termination of employment.

Exhibit A

Newton County E-mail Records Search Request

Below are the fields that we can populate with search criteria to obtain e-mail records with examples shown for reference.

Keywords – Enter words to search for. Separate words with uppercase AND or OR. Specify whether to search for the keywords in the “Subject Line,” “Document Attachments,” and/or “Message Body” of emails.

Date Range – Enter the Starting and Ending Date in the Format Month, Day, Year.

Example: January 1st 2011 thru December 31st 2011

Mailboxes to Search – Please specify the names of the individuals whose mailbox you would like searched. If emails for a particular Department are requested, please provide the name of the Department and list of all employees.

Example: Planning Department

To or From A Specific E-mail Address – Please specify the e-mail address of the Sender and/or Recipient that you wish to search.

Example: Sender = Wilson1734@aol.com
Recipient = Mary4567@gmail.com

Newton County E-mail Records Search Request

Keywords:

Subject Line

Document Attachments

Message Body

Date Range:

Include E-mail Starting Date:

Include E-mail Ending Date:

Mailboxes to Search:

To or From Specific E-mail Address:

To ==>>>>

OR

From ==>

Search Requested By: _____ Date: _____

Search Performed By: _____ Date: _____