



# Policy and Guidelines for Processing a Public Records Request

Effective Date: June  
29, 2020

Revised Date: N/A

Number of Pages: 10

## I. Purpose

Public records and public information created and maintained by the City of Fayetteville, North Carolina government or its subdivisions are the property of the people. It is the policy of this municipality that the people may obtain copies of public records and public information free or at minimal cost unless otherwise specifically provided by law. The purpose of this policy is to provide guidance to City employees in managing these public records requests and, in special circumstances, levying a reasonable special service charge for public records requests that require extensive staff time for compilation.

## II. Definitions

- a. **Admin.** Can see and take actions in all parts of the application including the Admin Panels which configure users, departments and other account settings.
- b. **Department Admin.** Can see requests that they have been given access to and undertake all actions related to those requests. Department admins cannot access Admin Panels, except to add and configure users and departments for the departments that they administer.
- c. **Publisher.** Can see and undertake actions related to requests to which they have been given access, including external communications with the requester and publishing documents. "Publishers" cannot access Admin Panels.
- d. **Staff.** Can see requests that they have been given access to, but can only take actions directed internally, such as posting an internal message to other staff and uploading an internal document. "Staff" cannot access the Admin Panels.
- e. **Guest.** Can only see publicly accessible documents and notifications. All requesters who enter an email are given a guest account.
- f. **Public Records Point of Contact.** The Public Records Point of Contact, also known as PR POC, is the city staff member responsible for ensuring the public records request is successfully fulfilled. The PR POC is responsible for assigning the appropriate staff members from the relevant departments to fulfill the request, communicating with the requester, releasing documents to the requester and closing the request once it has been fulfilled.

Policy # 506

**CITY OF FAYETTEVILLE STANDARD POLICY  
DOCUMENT**



**Policy and Guidelines for  
Processing a Public Records  
Request**

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

- g. **Requester.** The individual or organization making the public records request.
- h. **Public Records Liaison.** A department staff member charged with the task of assisting their department with the management of records and producing the records transfer or destruction form per City Policy #109.

### **III. Policy**

The City of Fayetteville is subject to North Carolina General Statute 132 as it pertains to public records. City staff follows the document retention policy for Local Governments found in the Retention and Disposition Schedule produced by the North Carolina Department of Cultural Resources, as well as City Policy #109.

### **IV. Best Practices and Procedures**

The City of Fayetteville uses an online public records request portal created and maintained by a third-party vendor. Using an online public records request portal provides requesters an easy and efficient means to submit public records requests and to track the progress of their completion.

Public records requests, upon completion, can be published and made available to the public in the online public records request portal, in addition to making them available to the original requester. In some cases, requests for information have already been provided to the public as a result of previous public records requests and subsequent requests can easily be closed by directing the requester to the appropriate previously fulfilled public records request.

For city staff, the online public records request portal facilitates assignments to appropriate city staff, allows for tracking of assignments, provides a secure document redaction capability and allows for easy dissemination to requesters and the public of large electronic files.

The City encourages requesters to submit their request(s) via the online portal. However, requesters are free to submit and receive requests in whatever format they desire (i.e. verbal, email), but every request will be routed and fulfilled via the online public records request portal, even if that ultimately means the PR POC has to submit the request manually.

Policy # 506

**CITY OF FAYETTEVILLE STANDARD POLICY  
DOCUMENT**



**Policy and Guidelines for  
Processing a Public Records  
Request**

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

It is not permissible for city staff ask the reason the public records request is being made.

Receiving a public records request:

1. Verbal Public Records Request: When receiving a verbal public records request, inform the requester of the City's online public records request portal that can be found on the city's website. Ask the requester if they would consider submitting their request in writing but inform the requester they are not required to do so. If the requester declines to submit the request in writing:
  - a. Write down or repeat the request back to them as you understand it to ensure accuracy. It is recommended that if you have an audio recording device, such as a city issued phone, record the public records request to ensure accuracy.
  - b. Verify with the requester the contact information detailed in the first section of this policy.
  - c. Submit the public records request into the online public records request portal on behalf of the requester. If you have an audio recording of the requester making the request, or a scanned copy of a written public records request, it can be uploaded into the online public records request portal.
  - d. If the requester is not able to access the online portal, notify the PR POC so that appropriate accommodations can be made to provide requested information to the requester.
2. Written Public Records Request not submitted through the City's online public records request portal:
  - a. Copy the information from the public records request and submit on their behalf into the online public records request portal.
  - b. The PR POC will respond to the requester and inform the requester of the following information:
    - i. The request has been received and entered into the City's online public records request portal.
    - ii. Requesters are always free to submit requests in whatever format they desire, but every request will be routed and fulfilled via the



## Policy and Guidelines for Processing a Public Records Request

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

- online public records request portal, even if that ultimately means the PR POC has to submit the request manually, as indicated in the previous paragraph.
- iii. If the requester is not able to access the online portal, notify the PR POC so that appropriate accommodations can be made to provide requested information to the requester.
3. Public Records Requests submitted within the online public records request portal:
- a. The PR POC will acknowledge receipt of the public records request using the prebuilt messages within the online public records request portal.
  - b. The PR POC will ensure the appropriate departments and support staff are added to the request to ensure the public records request is appropriately handled.
  - c. The PR POC will assign tasks to the appropriate staff member within the online public records request portal.
  - d. If a job responsibility is mistakenly assigned to the wrong staff member and/or department to fulfill, it is that staff member's responsibility to inform the PR POC of the need to change duty assignments within the online public records request portal.
  - e. Staff who are assigned a task should respond within the online public records request portal in the form of a note that they have received the request and include an estimated time to fulfill the public records request. If the information is readily available, or already available online, that information may be provided in lieu of a note acknowledging receipt.
  - f. If a staff member does not acknowledge receipt of their task within a reasonable amount of time, it is the responsibility of the PR POC assigned to the request to contact the staff member, or their supervisor, to ensure that someone is actively working on the public records request.
  - g. Once a staff member has uploaded all of the requested information they were assigned to collect into the online public records request portal, they should make a note that they have collected all of the requested information.
  - h. Once the PR POC has verified that all of the information requested has been collected, reviewed to separate confidential information from non-



## Policy and Guidelines for Processing a Public Records Request

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

confidential information, and is ready to be released, it is the responsibility of the PR POC to release the documents to the requester via the online public records request portal.

- i. It is the city's general practice to make all requests for public information public when publishing. Exceptions can be made on a case-by-case basis for the public records to be released to only the requester. PR POCs can contact the Corporate Communications Department to clarify, as needed.

### **V. Initial Request**

1. Public records requests shall be directed to the appropriate PR POC within each department, or to the Corporate Communications Department when appropriate. PR POCs and staff members involved in processing a public records request will follow the guidelines and procedures outlined within this policy. The requester can be asked by City staff to submit their request via the online public records portal. When a PR POC enters a public records request on behalf of the requester into the online public records request portal for processing, although not every field of information is required, the following information should be entered into the system.
  - a. Date of the request
  - b. Name of the requester (first and last)
  - c. Phone number of the requester
  - d. Mailing address of the requester
  - e. Email address of the requester (if available)
  - f. A description of the records with sufficient detail to enable the City to identify the records requested. This may include the following information:
    - i. Custodian of the record
    - ii. Name or title of the record
    - iii. Date or date range of the record(s)
  - g. Whether the requester is seeking a copy or seeking to inspect the record
  - h. If the requester is seeking a copy, in what medium and/or format. Persons requesting copies of public records may elect to obtain them in any and all media in which the City keeps them. The available formats may be limited for records that require redaction. The City must ensure that the records are redacted in a manner that ensures the requester cannot determine the



## Policy and Guidelines for Processing a Public Records Request

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

confidential information through image manipulation or removal of field protections.

2. A City employee shall acknowledge receipt of the public records request within three (3) business days of receiving the public records request.
3. To the extent the PR POC finds the public records request to be ambiguous, overly broad, or likely to require more than four (4) hours of staff time to fulfill, the PR POC may contact the requester and attempt to clarify, narrow or revise the request. A narrow public records request permits the City to respond to the request in a shorter timeframe, potentially limits the expenditure of City resources, and may help to avoid or lessen a special service charge. In these discussions, it is not permissible to ask the reason the public records request is being made.
4. In responding to the initial public records request, it is important the PR POC understand and communicate the following as need be:
  - a. The City is not required to create a new record in order to fulfill a public records request.
  - b. The City is not required to provide public records in a format they do not currently have.
  - c. City employees are not required to work on requests past normal working hours. N.C.G.S. § 132-6(a) requires agencies to respond “as promptly as possible” in providing copies of public records. The response time should be estimated based on the size and scope of the request.
5. If the request is not revised, the PR POC shall contact the requester with an estimate of how long the public records request will take to fill and a cost-estimate of the request in its current form. Before beginning to fulfill the public records request, the PR POC shall confirm acceptance of the fees by the requester. If the total estimated charge is greater than \$25, the PR POC shall ask the requester to pay 50% of the estimated charges before the City continues to fill the request. Fulfillment of the public records request shall not begin until the PR POC has confirmed with the Finance Department that the deposit has been received. The requester shall pay the remaining balance prior to the City releasing the public records. If for any reason the final charge is less than the amount of the deposit, the City shall return the remainder of the fees charged to the requester.



## Policy and Guidelines for Processing a Public Records Request

Effective Date: June  
29, 2020

Revised Date: N/A

Number of Pages: 10

6. If a public records request is made that produces confidential information, only records that are considered non-confidential will be released. The requester shall be notified that all, or a portion, of the records requested cannot be released because they were considered confidential under state and federal law.

### VI. Special Service and Copying Fees

1. By state statute, the City may charge a special service charge for any request that requires extensive use of information technology or extensive clerical or supervisory assistance by personnel of the City. If a request takes more than four (4) hours of clerical or supervisory assistance to fill, the City may assess a special service charge for the amount of staff time spent over the initial four (4) hours. Staff time spent searching for, locating, collecting, sorting, copying and preparing the records to be produced will count towards the four (4) hour threshold. The special service charge shall be in addition to any copying fees.
  - a. Emails: For estimating the amount of time needed to collect, download from the server and sort emails, calculate 15 seconds per email.
    - i. The formula for calculating the estimated time to complete in hours:  
 $X = \text{Number of emails}, Y = \text{estimated hours for completion}$   
 $(X * 15) / 3600 = Y$
    - ii. Example: A records request produces an initial email collection of 1000 emails.  $(1000 * 15) / 3600 = 4.16$  hours
2. All public employees involved in fulfilling a public records request shall keep a detailed record of the time spent (accounted for in 15 minute increments) searching for, locating, collecting, sorting, copying and preparing the records to be produced. This record shall be entered via the online public records request portal and shall be provided to the requester upon request.
3. The special service charge for clerical or supervisory assistance shall approximate the hourly rate of pay plus benefits for the position of a permanent, full-time Office Assistant II (OA II) in the City's pay schedule as amended from time to time.
4. Special service charges shall not be greater than the actual costs incurred.
5. For definitional purposes, sorting information is different than separating information. Sorting is defined as time spent searching for the requested



# Policy and Guidelines for Processing a Public Records Request

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

- information and removing information not requested, but that was obtained during the initial search of information.
6. While a fee may be applied for sorting information responsive to a request, a fee cannot be applied for separating confidential from non-confidential information. Time spent separating confidential from non-confidential information shall not be considered in calculating the time it takes to response to a request. This is a cost that the department must absorb pursuant to N.C.G.S. § 132-6(c). The time spent separating confidential from non-confidential information shall be noted by employees in recording time spent on a given request.
  7. Multiple public records requests regarding the same issue made within a short period of time from the same individual or organization shall be considered a single public records request for purposes of determining whether a special service charge will be levied.
  8. The City shall charge a print fee for printed copies as this is the reasonable estimate of the actual cost to the City in making the copy and is consistent with the published fee schedule.
  9. In order to minimize costs and time spent on records requests for emails, the City shall make use of email archives, and when applicable, authorized e-discovery tools to search for, locate and copy email records.
  10. Electronic records shall be uploaded to the public records portal and made available for download. Electronic records shall be produced on a flash drive, CD or other electronic storage medium provided by the City if the requester does not wish to download the files from the online public records portal. The City shall charge the actual cost of the electronic storage device, no matter the amount of data stored on it. The City shall only charge the cost of multiple storage devices if the total file size of the requested files exceed the storage capacity available on a single device.
  11. Once all documents have been collected, the PR POC shall prepare an invoice based on the actual time the holders of records report.
  12. All print fees, processing fees, and CD and DVD reproduction fees will be listed and updated in the City's published and current fee schedule that is available for review at <https://www.fayettevillenc.gov/city-services/budget-evaluation/budget-chronicles/fee-schedule>. If the size of the data files requested requires the use of an electronic storage device not included on the fee schedule, the requester will





## Policy and Guidelines for Processing a Public Records Request

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

authorize the use of the required device and agree to pay for the actual cost of the electronic storage device. Once payment has been received for the purchase of the electronic storage device, staff will purchase the device and begin the data transfer.

### **VII. City Follow Up**

If anyone requesting public records from any City is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the North Carolina Chief Information Officer or their designee to mediate the fee dispute.

The City Attorney's Office should be made aware of any extensive public records requests and should assist in reviewing documents, or portions of documents, as needed, in order to ensure compliance with both the disclosure and confidentiality provisions of Chapter 132. The City Attorney's Office should consider N.C.G.S. § 132-1.1 when identifying documents or information which are not public records and also remain aware of and consider whether other statutory provisions in and beyond Chapter 132 may also restrict disclosure of the public records requested.

### **VIII. Items to be aware of in managing public records**

1. The City of Fayetteville follows the document retention policy for Local Governments found in the Retention and Disposition Schedule produced by the North Carolina Department of Cultural Resources as well as City Policy #109 for management and retention of public records.
2. Public records should only be disposed of in accordance with the City's Records Management Policy #109.
3. Any time a personal e-mail account or other private communication medium is used to conduct City business, that message must be retained in accordance to the General Retention Schedule for Public Records. According to state law, a document or message is a matter of public record if it was created as part of the City's business, regardless if it is on a personal e-mail account, personal phone or any other alternative communications medium. The following is recommended for public records retention for messages retained in personal accounts:
  - a. Export or forward the message from your personal account to your city e-mail account so it may be captured in the email archive; OR

Policy # 506

**CITY OF FAYETTEVILLE STANDARD POLICY  
DOCUMENT**



**Policy and Guidelines for  
Processing a Public Records  
Request**

**Effective Date: June  
29, 2020**

**Revised Date: N/A**

**Number of Pages: 10**

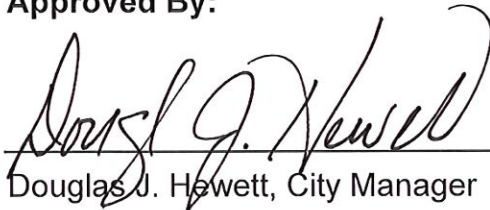
- b. Print the e-mail and/message and keep it in a separate file. If printed, that printed record will need to be searchable in response to any public records request for e-mails.

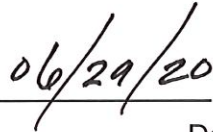
The recommendations presented in this document are intended to improve upon and streamline the process for responding to public records requests. This policy is meant to serve as a general guideline. We recognize that circumstances vary and encourage City staff to evaluate each request on a case-by-case basis and consult with the City Attorney's Office as needed.

Note: This policy is consistent with North Carolina's Public Records policy.

**Initiating Department: Corporate Communications**

**Approved By:**

  
Douglas J. Hewett, City Manager



Date