

Haywood County Public Records Requests Policy

Adopted, September 7, 2010

Haywood County Government is willing and pleased to make available for public inspection any documentary materials made or received by the Board of County Commissioners and/or the various agencies and departments associated with county government, as outlined in North Carolina General Statute 132: Public Records. Following are some general guidelines to assist you in making a public records request:

I. Inspecting Public Records in Person

1. Citizens have the right to inspect or examine public records in person during normal business hours, which typically are 8 a.m. to 5 p.m. Monday-Friday.
2. The public official in charge of each agency or department of county government serves as the custodian of public records generated in the course of carrying out the responsibilities of that office. In general, all public records are kept in the buildings in which they are ordinarily used. In most cases, the County Manager will serve as the custodian of public records generated by or presented to the Board of County Commissioners.
3. The law does not require public agencies to create records; only to provide access to records that exist.
4. As a custodian of public records, the official in charge of an agency or department of county government may appoint a staff member to provide assistance and/or reasonable supervision during an inspection of public records.
5. Haywood County employees will make every effort to respond to requests to inspect public records in a timely manner. However, public records law does not require employees to stop current activities to accommodate requests for information. Therefore, it may not be possible to access the records requested while a person waits.
6. Any appointment to inspect records is limited to no more than a two (2) hour appointment on any given day, unless otherwise mutually agreed upon between the requestor and the County. Records that have been pulled for inspection will be made available to the requestor for a period of no more than 14 calendar days. If the requestor fails to contact the County within 14 calendar days of being notified that the records are available for inspection: (1) the records will be returned to the originating department; and (2) the requestor will need to submit to a new request for the records and the process will begin anew.

II. Requesting Copies of Public Records

In order to effectively track requests, all requests for copies of public records must be made in writing and presented to the Haywood County Public Information Office either by mail, fax, email or hand delivery. Information for these delivery methods is as follows:

Mailing Address: Haywood County Public Information Office; Haywood County Courthouse; 215 N. Main Street; Waynesville, NC 28786

Delivery address: County Administrative Offices; Third Floor, Haywood County Courthouse, 215 N. Main Street; Waynesville, NC 28786

Email: publicrecords@haywoodnc.net Fax: (828) 452-6715

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Requests by phone will not be accepted.

When making a written records request, please include the following information:

1. Your name;
2. The date of the request;
3. Your full mailing address, telephone number and email address (if applicable);
4. A description of the record(s) you are requesting; and
5. The title and date of the record requested, if known.

II. Responding to Requests for Copies of Public Records

The County Public Information Office will make an initial response to the request for public records within three (3) business days of receiving the request. The initial response will include a request for any clarifying information needed, cost estimates for providing records if known and an estimated availability time for the records requested. Depending on the nature and size of the request, the County may request a deposit before proceeding with the request. See Section V. below for more details.

Response time for a public records request may vary from a few minutes to several hours or business days depending on the nature of the request. Factors that may affect the response time include:

- Whether the request involves accessing multiple documents or documents that are more than six months old; or gathering information from more than one person.
- Whether the request affects the ability of staff members to carry out their regular responsibilities.

A Public Records Request is not continuing in nature. In the event additional records are created after the date of the requestor's original Public Records Request, the requester must submit a new request. Any records or portions of records made available by the County will be provided to the requestor in the same format as they are kept by the County.

In some circumstances, a request for public records may be denied for reasons outlined in NC General Statute 132. In such situations, the Public Information Office will provide an explanation in writing as to why the request was denied. The requester may appeal the denial in writing to the County Manager. Appeals may be delivered to the County Manager by mail, fax or email to the following: Haywood County Manager; c/o Haywood County Courthouse; 215 N. Main Street; Waynesville, NC 28786; Phone: (828) 452-6625; Fax: (828)452-6715; Email: ido@haywoodnc.net

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IV. Duplication and Transmission Fees

Prior to the release of copies of any public record, the County will collect duplication fees.

Several county departments have a schedule of fees approved by the Board of County Commissioners and/or a particular agency of state government that addresses costs associated with public records generated by their particular office. In such cases, the approved schedule of fees will be used instead of the fees outlined below.

Unless otherwise covered by an existing schedule of fees, the costs associated with reproducing a public record will be as follows:

- Copies of documents - \$.08 per duplicated page
- Storage of reproduced documents (on CD or DVD) - \$1.00 per disc. Flash drive storage may be available at a cost of \$5-\$10, depending on storage size needed
- E-mail attachment (of ten 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 information technology resources may be considered a special service and subject to an additional labor charge. The special service charge, if applicable, shall be \$18.00/hour. This rate approximates the hourly rate of pay plus fringe benefits for the position of Administrative Assistant in the County's pay schedule. Charges under this provision shall be imposed for every 6 minute increment or fraction thereof, but shall not relate back to the first 10 minutes (i.e.: \$2.15/6 minutes).

A fee of \$1.25 shall be charged for mailing copies of public records to any person, firm or corporation, unless the cost of postage exceeds \$1.00 in which case the fee for mailing shall be the actual postage plus \$1.22. The mailing fee shall be in addition to any other copying fee provided for herein.

The County acquires, develops, maintains, and uses Geographic Information System (GIS) databases in support of its internal business functions and the public services it provides. All GIS databases are provided "as is" with no warranty. All available GIS databases will be listed on the County's GIS website. GIS data is treated as a qualified exception under the Public Records law in Chapter 132-10.

The County will provide GIS data at reasonable cost, and may require the entity obtaining a copy of the data to agree in writing that the copy will not be resold or otherwise used for trade or commercial purposes. GIS data is provided in either ESRI shapefile or geodatabase format.

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V. Deposit for Duplication:

In the event that it is estimated that the duplication or transmission fees applicable to a particular records request exceed \$25.00, the County, at its discretion, may require the requestor to deposit a sum equal to 75 percent of the estimated cost prior to duplication of the records.

In the event that a deposit is required, the County will notify the requestor of the necessity of the deposit. In the event that the actual duplication and deposit fees are less than the amount deposited by the requestor, the County will return the sum in excess of the actual amount to the requestor.

VI. Payment of Required Fees

Payment of duplication and delivery fees must be made prior to the release of public documents. If the county department that maintains the public records requested is already set up to handle financial transactions, then payment may be made directly to that department. All other payments must be made in cash, money order, or check payable to Haywood County Finance Office.

Payments may be made in person to the Haywood County Finance Office, 4th Floor, Haywood County Courthouse, 215 N. Main Street, Waynesville, NC 28786. A copy of the public records request must be submitted with payment.

VII. Failure to Pay Required Fees:

In the event a requestor fails to pay a bill for fees incurred within 30 calendar days, the County 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.

In addition, the County may require advance payment for any future requests of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requestor.

If the County is unable to collect the duplication fees from the requestor, the County 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 records are destroyed, the requestor will still be made responsible for the costs the County incurred in duplicating the records originally requested by the requestor.

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VII. What are Public Records?

Generally, public records include documentary materials that government agencies are required by law to make or collect; materials written or made by private people or companies and submitted to the government; and materials that government agencies make or collect at their discretion in carrying on government business.

Examples include both paper and electronic documents, emails, letters, maps, books, photographs, videos, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics.

Please note that requests for analysis, reports or any reference material that does not exist at the time of the request is not considered a public record.

VIII. What Documents are Not Considered Public Records?

There are several types of documents that are not considered public records. These include most personnel records (except as described in NCGS 153A-9); most criminal investigation records; Juvenile records; letters from lawyers to board members about litigation; business trade secrets; tax records that show income or receipts; most medical records; minutes of closed sessions until released; public enterprise billing information; Anti-terrorism plans, public security plans, and plans and drawings for public buildings and infrastructure; Social Security numbers and other personal identifying information (mainly bank account numbers and bank card account numbers); and most information about minors participating in recreation programs.

If you have questions about public records or don't know which county office is custodian of the records you are requesting, please contact the Haywood County Public Information Office by calling 452-7305 or contact us by email to publicrecords@haywoodnc.net; or by mail at 215 N. Main Street, Waynesville, NC 28786.