

OPEN RECORDS POLICY
OF THE CITY OF BLUE RIDGE, GEORGIA

- I. **PURPOSE** - The purpose of this policy is to provide clarification and guidance to the procedures and process for making requests for records or documents under the Open Records Act codified at O.C.G.A. § 50-18-70 et seq. (the “Open Records Act”) to the City of Blue Ridge, Georgia (“City”). The Policy is supplemental to and consistent with the provisions of the Open Records Act and shall not at any time be construed to violate said Act.
- II. **POLICY** - The City of Blue Ridge is committed to conducting City business in a manner that complies with all legal requirements, fosters citizen confidence in City government, and promotes efficient and effective governmental operations. The City recognizes the importance of communicating information to citizens and other interested parties and will cooperate in supplying requested information which is considered a matter of public record and subject to the Open Records Act.
- III. **PUBLIC RECORDS** - O.C.G.A. § 50-18-70 (b)(2) defines a public record as “all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency. Public records also mean such items received or maintained by a private person or entity in the performance of a service or function for or on behalf of an agency and such items transferred to a private person or entity for storage or future governmental use.”

The Open Records Act, establishes the right of every citizen **to inspect** and/or **take/make** a copy of all records except those specifically exempt under the Open Records Act. When the City receives a valid record request under the Open Records Act, it will comply with guidelines established by law and this Policy.

- IV. **RELEASE OF INFORMATION PROCEDURES** – As set forth in the Open Records Act, the City Clerk is hereby appointed as the Open Records Officer for the City of Blue Ridge, Georgia **[this fact is must be made known to the legal organ of Fannin County]**. Formal requests for information under the Open Records Act pursuant to O.C.G.A. § 50-18-71 should be made in writing to the City Clerk. If the City Clerk is not available or present at the time a request is made, the City Clerk shall designate an Assistant Open Records Officer such that someone is available at all times to accept Open Record Act requests.

Form of Requests

All requests should be made in writing. *Form ORR-1* which is attached to this Policy shall be made available at City Hall for use by the general public for submitting requests and it shall also be posted on the City's website for easy access and download by citizens. Requests submitted with the provided Form will result in a more efficient and accurate response by the City.

While the Open Records Act allows for oral requests, the Act does not allow the enforcement provisions of the Act to be utilized if no response is made to an oral request.¹ However, oral requests are encouraged for copies of, or viewing of, routine ordinances, resolutions, agendas, maps, and minutes. **The City shall make sure that citizens are not required to submit formal written requests to view any ordinance or resolution** and the City Clerk is directed to promptly make those documents readily available to the general public upon request.

Response to a Request

Upon receipt of a written request, the Open Records Officer shall make a determination as to which department of the City the records are located and promptly notify the appropriate Department Head or Supervisor of the Request. In the discretion of the Open Records Officer, the Request may be immediately copied upon the City Attorney to protect against disclosure of exempted records and those records containing information prohibited by disclosure by Georgia or Federal law or for legal advice.

Within three (3) **business days**² after receiving a request, the City shall:

- (a) make a determination of whether the requested record is subject to disclosure or redacted disclosure under the Open Records Act; and
- (b) If the requested records are subject to full disclosure, the Open Records Officer shall utilize *Form ORR-2*³ to provide the requestor with a written response and an estimate of the costs for retrieval/production and, if applicable, copies; and
- (c) upon payment of the applicable fees, produce the requested records at City Hall for inspection and copying/production or any other mutually agreed method of delivery; or
- (d) if the records are unavailable but do exist, provide the requestor with a description of the records and a timeline for when the records shall be available for inspection and copying; and

¹ O.C.G.A. § 50-18-71(b)(3)

² This does not mean 72 hours from the time the request was made but means the end of the third business day following the request.

³ The City reserves the right to amend Forms ORR-1 and ORR-2 from time to time.

(e) if the requested record is not subject to disclosure, or full disclosure, the City Attorney (or his or her designee) shall identify in writing to the requestor the provision of law that makes all or part of a record exempt from disclosure. The City Attorney's decision regarding exemption or partial exemption of a record shall be the final decision.

- V. **INSPECTION OF RECORDS; FEES, COSTS** - Pursuant to O.C.G.A. § 50-18-71, if an individual has the right to inspect a record, he/she also has the right to make extracts or to make copies of the records under the supervision of the custodian of the records. If information is to be released, the requester will be allowed access, during normal business hours, to the documents containing the requested information.

Copies must be furnished, if requested, at a charge of \$.10 cents per page. A written response to all formal requests must be prepared indicating the time and place the records may be inspected and the approximate cost involved. A fee may be charged for research, redaction, retrieval, monitoring, and other administrative costs involved with the request, after the first fifteen minutes of employee time expended. This fee should represent the salary of the lowest paid full-time employee who possesses the necessary skill and training to perform the request.

If the cost for retrieval and production will exceed \$25.00, the Open Records Officer shall notify the requestor in writing as set forth in Section IV and obtain agreement to pay the costs estimated before the requestor has agreed to pay said costs.

VI: **ADDITIONAL GUIDANCE INFORMATION**

When processing Open Records Act requests, priority should be awarded to requests from a person who certifies that he or she resides within the City limits or has a business located within the City limits. However, regardless of residency, all requests are to be processed timely in accordance with this Policy and the Open Records Act.

The City does not prohibit a response to a request under the Open Record Act prior to the expiration of the entire three (3) business day period. If responsive information has been obtained and is not flagged as exempted or required for redaction, or being reviewed, the information may be produced when ready. Further, routine requests from news media outlets or the press should be processed expeditiously within reasonable boundaries.

The Open Records Act does not require the answering of legal questions or specific inquiries about rules of procedure. While allowed to provide general guidance on the process, production and inspections of records, the City Clerk and any other person acting as an Open Records Officer is prohibited by this Policy from providing advice or answering questions regarding legal issues or arguments. Any specific legal question must be directed to the City Attorney.

City employees do not have to prepare reports, summaries or compilations of public records not in existence at the time of the request.

VII. EXEMPTIONS

Types of exempted documents that are not subject to disclosure are defined in O.C.G.A. § 50-18-72. *(As stated above, in all cases, the City Attorney shall make the final decision if information is to be withheld and will provide a written response citing the appropriate code section, which exempts the records from being released).* For informational purposes, these are a few types of exempted documents:

1. Any record required by federal law or regulation to be kept confidential.
2. An individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number if so designated in a public record, personal e-mail address or cellular telephone number, and day and month of birth.
3. Medical files.
4. Records compiled for law enforcement or prosecution purposes to the extent that production of such records would disclose the identity of a confidential source, disclose confidential investigative or prosecution material, which would endanger the life or physical safety of any person or persons, or disclose the existence of a confidential surveillance or investigation.
5. Records of law enforcement prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports, accident reports, and incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving said investigation and prosecution has become final or otherwise terminated.
6. Records that consist of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee, and records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged.

7. Real estate appraisals, engineering or feasibility estimates made relative to the acquisition of real property until such time as the property has been acquired or the proposed transition has been terminated or abandoned.
8. Pending, rejected, or deferred sealed bids or sealed proposals and detailed cost estimates related thereto until such time as the final award of the contract is made, the project is terminated or abandoned, or the city council takes a public vote regarding the sealed bid or sealed proposal, whichever comes first.
9. Those portions of records which would identify persons applying for or under consideration for employment or appointment as executive head of an agency ("agency" is defined as a department, commission, board or authority, not just the City government); provided, however, that at least 14 calendar days prior to the meeting at which final action or vote is to be taken on the position, the agency shall release all documents which came into its possession with respect to as many as three persons under consideration whom the agency has determined to be the best qualified for the position and from among whom the agency intends to fill the position. Prior to the release of these documents, an agency may allow such a person to decline from being considered further for the position rather than have the documents pertaining to the person released. If the agency has conducted its hiring or appointment process open to the public, it shall not be required to delay 14 days prior to taking final action. The agency shall not be required to release such records with respect to other applicants or persons under consideration. Upon request, the agency shall furnish the number of applicants and the composition of the list by such factors as race and sex.
10. Records that would reveal the names, home addresses, telephone numbers, security codes, or any other information collected by the City in connection with the operation of its alarm systems.
11. Records of public employees that would reveal the home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, unlisted telephone number if so designated in a public record, or the identity of immediate family members or dependents of the public employee.
12. Records that constitute attorney-work product conclusions and certain records constituting communications subject to attorney-client privilege.