

**ONslow COUNTY
PUBLIC RECORDS POLICY**

A. PUBLIC RECORD REQUESTS

1. To process public records requests in a timely, consistent, and orderly fashion, the County asks that all public records requests be made in writing during normal business hours. Emailed requests for public records may be submitted to public.records@onslowcountync.gov. To streamline and track the receipt and fulfillment of public record requests, requests made by phone are discouraged. A request is considered filed when the County has confirmed receipt of the request form. If a requestor does not use the form, or does not submit the form to public_records@onslowcountync.gov, the County's consideration of the request may be delayed.

Submitting a Public Records Request: When making a records request, the written request should contain the following information:

- a. Date of the request
- b. Name of the requestor (first and last)
- c. Phone number of the requestor
- d. Mailing address of the requestor (name, organization, street address, city, state, ZIP)
- e. Email address of the requestor (if available)
- f. A description of the records with sufficient detail to enable the agency 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 requestor is seeking a copy or seeking to inspect the record
- h. If the requestor 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 public agency keeps them. The available formats may be limited for records that require redaction. An agency must ensure that the records are redacted in a manner that ensures the requestor cannot determine the confidential information through image manipulation or removal of field protections. A fee is required for photocopies as set forth below.

2. The County shall take all reasonable steps to acknowledge receipt of the request within three (3) business days of receiving the request.

3. Requests from the same individual, organization, or individuals acting in concert with said individual or organization, shall be processed in on a "first in, first out" basis.

4. To the extent the custodian of the public record finds the request to be ambiguous, overly broad, or likely to require more than three (3) hours of staff time to fulfill, the County shall contact the requestor and attempt to clarify, narrow, or revise the request. A narrow request limits the expenditure of County resources, may help to avoid a special service charge, and permits the County to respond to the request in a shorter timeframe.

5. If the request is not revised, the County shall contact the requestor with an estimate of how long the request will take to fill and an estimate of how much the request will cost. Before beginning to fulfill the request, the County shall confirm acceptance of the fees. If the total estimated charge is greater than \$25, the County shall ask the requestor to pay the estimated

charges before the County begins to fill the request. Location and production shall not begin until payment is received. To the extent the estimated fees are in excess of the actual time spent fulfilling the request, the County shall refund the excess amount collected. Conversely, to the extent the actual time spent fulfilling the request exceeds the estimated amount collected, the requesting party shall pay the additional amount owed prior to the County's production.

6. In making an initial response to a public records request, it is important that the County communicate to the requesting party the following as need be:

a. The County is not required to make copies of public records that are available online in a format that allows a person to view the public record and print or save the public record. If a record is currently online and is able to be printed or saved, the County shall direct the requesting party on how to access the records online rather than make a copy of same.

b. The County is not required to create a new record in order to fulfill a public records request.

c. The County is not required to provide records in a format that it does not currently have.

d. County employees are not required to work on requests past normal working hours. N.C.G.S. § 132-6(a) requires the County to respond "as promptly as possible" in providing copies of public records. Response time is determined based on the size and scope of the request.

B. SPECIAL SERVICE AND COPYING FEES

1. By statute, the County 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 County. The County considers a request to be "extensive" if it will take more than three (3) hours of personnel or information technology resources to fill. In such cases, the County will assess a special service charge pursuant to N.C.G.S. § 132-6.2(b) for the amount of staff time spent over three (3) hours. Staff time spent searching for, locating, collecting, sorting, copying, and preparing the records to be produced will count towards the three (3) hour threshold. The special service charge shall be in addition to any copying fees.

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.

3. The special service charge for clerical or supervisory assistance shall approximate the hourly rate of pay plus benefits for those individuals needed to fulfill the request.

4. Special service charges shall be not greater than the actual costs incurred.

5. When a request is of such a nature that it is necessary for the County to determine whether the responsive documents contain confidential or privileged documents, the time spent in **determining** whether the set of responsive documents contain protected documents may be considered in calculating the time it takes to respond to a request. Time spent **separating** or

redacting confidential from non-confidential information from a record shall not be considered in calculating the time it takes to respond to a request per N.C.G.S. § 132-6(c).

6. Multiple requests made within a 90 day period from the same individual, organization, or individuals acting in concert with said individual or organization, shall be considered a single request for purposes of determining whether a special service charge will be levied.

7. The County shall charge 10 cents for printed copies as this is the reasonable estimate of the actual cost to the County in making the copy. Copy charges shall apply when it is necessary for the County to print and/or copy records to fulfill a request in the medium requested by the requesting party.

8. Electronic records shall be sent via email when possible. Otherwise, electronic records shall be produced on a flash drive or CD provided by the County. The County shall charge the actual cost of the flash drive or CD, no matter the amount of data stored on it. The County shall only charge the cost of multiple flash drives or CDs if the total gigabytes of the requested files exceed the maximum gigabytes on a single flash drive or CD.

9. Once all documents have been collected, the County should prepare an invoice based on the actual time the holders of records report.

10. If any individual or organization fails to pay for the costs associated with its public records request, the County shall not be obligated to fulfill future requests until the requesting party has paid, in advance, all costs and fees associated with the requests.

C. GENERAL PROVISIONS

1. This Policy shall be effective as of the date of adoption and shall apply to all requests that are fulfilled after the date of adoption regardless of when the request was made.
2. This Policy is designed to comply with the public records laws of North Carolina, but to the extent of a conflict between this Policy and North Carolina law, North Carolina law shall prevail.

Adopted this 13th day of December 2021.



Onslow County
Board of Commissioners

Jack Bright

Jack Bright, Chairman

Attest:

Julie S. Wand

Julie S. Wand, Clerk to the Board