

Town of Boone Public Records Requests Procedures

North Carolina public records law is found in General Statutes Chapter 132. The custodian of the records bears the responsibility of maintaining the records and also permitting the public inspection, or providing copies of the records upon request. The statute authorizes a fee to be charged for copying of records. These procedures also include a fee schedule to cover the reasonable cost of responding to public record requests, consistent with North Carolina's public records laws.

1. How to Request Copies of Public Records

Public records requests should be submitted to the Town Clerk. To process requests in a timely, consistent and orderly manner, the Town requests that these be submitted using the Town of Boone's Public Records Request Form and be mailed, hand-delivered or e-mailed to the Town Clerk. Requests may be made in person at Town Hall during normal business hours.

Town of Boone
Town Clerk
567 W. King Street
P.O. Drawer 192
Boone, NC 28607

E-mail: nicole.worley@townofboone.net

When making a record request, please include the following information:

1. Date of the request.
2. Requestor's name.
3. Requestor's full mailing address (name, organization, street address, city, state, zip code).
4. Requestor's day-time phone number.
5. A complete description of the record(s) requested.
6. The title and date of the requested record(s), if known.
7. Whether the requestor intends to inspect the records or obtain a photocopy. A fee is required for photocopies as set forth below.

<http://www.townofboone.net/images/Documents/departments/admin/RecordRequestForm.pdf>

2. What to Expect After a Request is Made

Within two business days of receipt of the request, the Town will provide an acknowledgment of the request. For requests that do not require extensive research or extensive clerical resources, the Town will provide a follow-up response to the request as soon as possible, normally within five business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day. The follow-up response may include:

- § Providing or making available the record after the payment of applicable fees, if any;

- § An estimate of the time necessary for further response;
- § Denying the request accompanied by an explanation of the basis for the denial;
- § Requesting a deposit; or,
- § Requesting clarification of the request, and if the follow-up response asks for clarification on the request, no further response will be made to the requestor until the clarification is received by the Town Clerk. If no response is received within 14 calendar days, the request will be dismissed and the requestor must submit a new request.

Where the request for public records is extraordinarily large such that extensive use of information technology resources and/or extensive clerical or supervisory assistance by personnel is required as set forth in G.S. 132-6.2(b), then the Town shall respond to the requestor to discuss the most appropriate procedure to efficiently meet the request and the cost associated with the request.

A public record request is not continuing in nature. Therefore, it only applies to public records available at the time of the request. If additional records are created after the date of the requestor's original public records request, the requestor must submit a new request for those records. If the requestor specifies a preference for a specific format, the records will be produced in the preferred format if:

- § It is determined that the records exist and are subject to release;
- § The Town is capable of providing the records in the format requested;
- § The format requested is consistent with how the record is maintained or is otherwise reasonable; and,
- § The requestor pays all fees associated with fulfilling the request.

A record request will be considered fulfilled upon:

- § The requestor's receipt of or inspection of the records;
- § Notification to the requestor that the photocopies requested are available for payment and pick-up (if photocopies were requested); or,
- § A denial of the request.

3. Fulfillment of Public Record Requests

In accordance with North Carolina law, all requests will be fulfilled in a timely and reasonable manner. In order to ensure that normal Town operations are not delayed due to a large volume of requests, Town staff will set aside up to six hours per work week for the compilation and fulfillment of record requests. This time will be divided equally between (i) requests that can be fulfilled without extensive research and under four hours, and (ii) requests that are extraordinarily large or otherwise demanding and/or that require extensive use of information technology resources and/or extensive clerical or supervisory assistance by personnel. When a request is received, the Town will determine in which of these two categories it falls. The requests in each category will be fulfilled in the order in which they are received. This procedure is intended to ensure that equal time is spent on all record requests received, while also ensuring all requests are fulfilled in a timely manner.

4. Redactions

If a record subject to a public records request is a protected record, it will not be made available. However, a public record may contain information that is protected, while the entire record is not protected. In those instances, the protected information will be deleted in a manner that shows a deletion has been made. If the Town is providing an electronic copy that includes protected information that must be redacted, the Town will export and edit that portion of the record in such a way as to protect it.

5. Requests for Inspection-Only of Records

If a requestor chooses to only inspect records, the Town will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the Town. Any appointment to inspect records is limited to no more than two hours on any given day, unless otherwise mutually agreed upon between the Town and requestor. Records will be made available to the requestor for up to 14 calendar days. If the requestor fails to contact the Town within 14 calendar days of being notified that the records are available for inspection, the requestor will need to submit a new request for the records. Should the requestor fail to appear for an agreed-upon time for inspection of the records on more than one occasion with respect to any particular records request, the requestor will need to submit a new request for those records.

6. Duplication and Mailing Fees; Special Service Charges

If the requestor has asked for copies of the public records to be produced, then prior to the release of copies, the Town will collect any applicable duplication and delivery fees. The Town will not charge for the costs of paper copies unless it exceeds 25 pages. The following is the current fee schedule for copies of public records:

8 ½ x 11” single-sided hardcopy: \$0.25 per page

DVD Duplication of Meeting: \$5.00 per DVD

USB flash drive: at-cost for purchase of the USB flash drive, dependent on size of the USB flash drive needed

Standard US Postal Service first-class mailing fees will be charged for mailing copies of public records to any requestor, except that the Town will not charge for mailings that cost less than \$1.00.

A special service charge may apply if (1) responding to the records request requires extensive use of information technology resources or extensive clerical or supervisory assistance by Town personnel, and/or (2) producing the records in the particular medium requested results in a greater use of information technology resources than that established by the Town for reproduction of the volume of information requested. See G.S. §132-6.2(b). Multiple requests within a short period of time from the same individual or organization may be considered a single request for purposes of determining whether a special service charge is applicable. The special service charge will be reasonable and no greater than the actual costs incurred. The Town will work with the requestor

to execute a contract agreeing to the special service charge, with a 50-percent deposit required prior to staff beginning the process of fulfilling the request.

7. Deposit for Duplication and Mailing Fees or Special Service Charge

If it is estimated that the duplication fees or special service charge applicable to a particular records request exceed \$25, the Town shall require the requestor to deposit a sum equal to 50 percent of the estimated cost prior to duplication of the records.

If a deposit is required, the Town 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, the Town will return the sum in excess of the actual amount to the requestor. If, during the compilation process, it becomes evident that the original estimate was too low, Town staff will suspend the process and ask the requestor whether the process should continue at a new agreed upon estimated cost or cease, in which case the requestor will pay for and receive only the records that have been retrieved within the initial estimate.

8. Payment of Required Fees

Payment of duplication and delivery fees and special service charges must be made prior to the release of public records. When required, the payment of a deposit must be made prior to the duplication of any records. Payments can be made by cash, credit or debit card, or check payable to Town of Boone.

If a requestor fails to pay a bill owed for fees incurred within 14 calendar days, the Town may require the requestor to pay in full any past due amount owed before it will begin processing a new or pending request from the delinquent requestor. In addition, the Town may require advance payment for any future requests of the full amount of the estimated fee before the Town begins to process a new or pending request from that requestor.

If the Town is unable to collect the duplication fees from the requestor, the Town may, upon providing 14 calendar days prior written notice to the requestor, destroy the duplicated set of records made available for the requestor to avoid storage concerns. Although the duplicates are destroyed, the requestor will still be responsible for the costs the Town incurred in duplicating the records originally requested.

9. Exceptions to these Procedures

§ Government Entities

In the event that another local government agency requests access to the Town's public records, it will be at the discretion of the Town Manager to determine whether that request is to be treated as a request for public records in accordance with the Town's policy and procedures for public records requests, or if the request is to be treated with priority above any existing requests due to the purpose of the request.

§ **Police Records**

All requests for police records should be directed to the Boone Police Department to be fulfilled.

**Town of Boone
Public Records Request Form**

Date of Request: _____

Name of Requestor: _____

Address: _____

Telephone Number(s): _____

E-mail Address: _____

Initial responses will be sent to the above e-mail address, so please check for accuracy.

Complete description of the record(s) requested:

Title of Record Requested (if known): _____

Date of Record Requested (if known): _____

Please indicate the format in which you prefer to receive the requested record(s) (*not all formats may be available for all record types*):

- I prefer to receive the record by e-mail.
- I prefer to receive the record in electronic format on a flashdrive or CD (*may be subject to charge*).
- I prefer to inspect the record.
- I prefer to receive a photocopy of the record (*photocopies may be subject to copy charges*).

NOTE: *To the extent any of the records provided are copyrighted, take notice that these records remain subject to copyright law. The use, reproduction, downloading or distribution of copyrighted materials and works may subject you to applicable penalties and damages under state and federal laws.*

Please review the Town's procedures for public records requests available on our Web site. If you have any questions, contact Town Hall at 828-268-6200.