



POLICY AND PROCEDURE

SUBJECT: Implementation of the Georgia Open Records Act

DATE: June 16, 1999*

NUMBER: 600-10

Statement of Policy:

It shall be the policy of Fulton County that public records in the possession of any employee, officer, elected or appointed official, or agency of Fulton County shall be subject to disclosure to the fullest extent permitted and required by the laws of the State of Georgia.

Background:

The purpose of this Policy is to implement the requirements of the Georgia Open Records Act.

Definitions:

For purposes of this Policy, the term "Custodian" means the involved department head or elected or appointed official.

Applicability: This policy shall apply to all Fulton County employees, officers, elected officials, and agencies.

Responsibilities:

It shall be the responsibility of every employee, officer, elected or appointed official, and agency of Fulton County to ensure compliance with the Georgia Open Records Act, as amended, O.C.G.A. § 50-18-70 et seq. and Fulton County Code § 102-81

Procedures:

Whenever a request for public records pursuant to the Georgia Open Records Act ("Act") is received by the Custodian of such records, the following procedures shall apply:

- (1) Upon the Custodian's receipt of a request for public records, the request shall be file-stamped or otherwise marked to indicate the date and time of receipt.
- (2) Not later than the end of business on the next business day following the Custodian's receipt of the request, the Custodian shall contact, either in person or by telephonic means, the Custodian's legal counsel (provided by the County Attorney), and shall be prepared to advise such counsel whether the requested public records exist and, if so, whether the records are available for production within three (3) business days following the Custodian's receipt of the request. Such counsel shall then advise the Custodian as to the legal appropriateness of the request.

- (3) With respect to records which are: (a) in existence; (b) subject to disclosure; and (c) available for production within three (3) business days following the Custodian's receipt of the request, the Custodian shall notify the person making the request not later than the end of business on the second (2nd) business day following the Custodian's receipt of the request, as to the estimated cost of producing the records. Such records shall then be produced not later than the end of business on the third (3rd) business day following the Custodian's receipt of the request.
- (4) With respect to records which are: (a) in existence; (b) subject to disclosure; and, (c) not available for production within three (3) business days following the Custodian's receipt of the request, the Custodian shall notify the person making the request as to the estimated cost of producing the records and the timetable according to which the records will be produced. The notice required under this paragraph shall be made not later than the end of business on the third (3rd) business day following the Custodian's receipt of the request.
- (5) Whenever it is determined, after consultation with legal counsel, that any requested document or record, or any part of any requested document or record, is not subject to production under the Act, the Custodian shall so notify the person making the request, according to the requirements of paragraphs (3) and (4) of this Policy, in any event, not later than the end of business on the third (3rd) business day following the Custodian's receipt of the request.
- (6) All notices required by this Policy, or otherwise required by the Act, shall be the responsibility of the Custodian and shall be in writing.
- (7) With respect to any action required by this Policy, the Custodian may act through the Custodian's designee, who shall be an employee of the involved department or agency.
- (8) Whenever any employee, department head, elected or appointed official or agency shall receive a request under the Act for public records which are not within the control of the department or agency to which the request was directed, not later than the end of business on the next business day following the receipt of the request, the request shall be brought to the attention of the legal counsel for the department or agency receiving the request. Such legal counsel shall then advise the Custodian as to the appropriate response.
- (9) To "produce" records, as such term is used in this Policy, means to release copies of such records, or to make such records available for inspection and copying, whichever method has been requested.
- (10) With respect to all records produced pursuant to the Act, the Custodian shall maintain either a copy of such records, or a detailed description of such records, sufficient to clearly show what records were produced in response to the request. In addition, the Custodian shall maintain the original request, all other original correspondence received from the person making the request, as well as copies of all other correspondence related to the request.

- (11) Custodians shall be mindful that anyone who knowingly and willfully violates the Act by failing or refusing to provide access to records not exempted from disclosure, or who fails or refuses to provide access to such records within the time limits of the Act, commits a misdemeanor criminal offense.
- (12) This Policy supercedes and replaces in its entirety Policy No. 600-10 (June 20, 1984), relating to the release of County documents.

Departmental Sponsor: County Attorney, County Manager, Personnel

Policy Review Date: December 2006

References: O.C.G.A. § 50-18-70 et seq.; Fulton County Code § 102-81
Minutes of the Board of Commissioners, June 20, 1984
Minutes of the Board of Commissioners, June 19, 1999

Departments Affected: All Departments and Offices of Appointed or Elected Officials

*Reviewed & reprinted August 2001

*Reviewed November 2004