

<b>CASWELL COUNTY POLICIES AND PROCEDURES</b>		Source Document: Chatham County	
Policy Number:	12	Title:	Public Records and Employee Protocol
Date of Adoption:	10/21/2019	Date of Last Revision:	Page 1



## PUBLIC RECORDS POLICY And EMPLOYEE PROTOCOL

### **RULES**

1. Never destroy any public record in any format unless it is legal to do so.
2. Never destroy any records in any format that relate in any way to pending, threatened, or anticipated litigation.
3. There is no expectation of privacy when using a county computer for any reason. There is no expectation of privacy for the public accessing county websites, including social media or email unless specifically protected by law.
4. The content of the information determines whether it is a public record. It is not the delivery or how the information is received or sent (audio, video, disc, memory stick, electronic, including email, blogging, or paper)
5. Requests should be delivered to the County Manager and the Custodian within 24- hours of receipt.
6. All outgoing county emails shall contain the county's privacy policy disclosure statement in the header or footer of the email. Public records can be requested at any time by anyone. The person making the request is not required to provide a reason for the request. In keeping with N.C. Gen. Stats. §121-5 and §132-6, the County follows developed policy and protocol to expedite any request made by the public and to create an organized effort in keeping public records transparent and readily available. The following explains how the request should be processed, and the requirements for record retention and disposition. The Clerk to the Board of Commissioners is the Custodian of Public Records (the "Custodian"). When a request is delivered to a department but not the Custodian, the employee receiving the request is required to notify the department head, and forward the request to the Custodian, with a copy to the County Manger, within 24-hours of its receipt. If a request is delivered directly to the Custodian and not to a department, the Custodian shall deliver a copy of the request upon receipt to the County Manager within 24-hours. The Custodian shall determine if a reasonable fee may be charged depending upon the size of the order, or the type of delivery format requested, in accordance with N. C. Gen. Stat.

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§132-6.2. Public Records orders shall be completed within a reasonable period of time, based on the amount and the availability of the information requested. Public Records come in many forms including, electronic format such as emails or databases, WORD, PDF, Excel; recordings; minutes, paper documents, and most recently social media sites such as Facebook, Twitter, or any other form that the County uses to transact its business. Both the County Manager and the Custodian are to be informed of all public records requests and will be responsible for tracking them.

**Process:** Once a request to review County documents is received:

**STEP ONE**

The Recipient of the Request forwards the Request to the County Manager and the Custodian of Records so that the Request is duly noted.

**STEP TWO**

The Custodian advises and consults with the County Manager. The County Manager will assign the request to the appropriate Department.

**STEP THREE**

The Department notifies IT if necessary. IT or Department will download / identify the specific public records and deliver them to the department head or designee. A review is done at this level, allowing a period of time to redact or delete non-public information, if any and to record the time and materials associated with filling the request.

**STEP FOUR**

Public records are put in a PDF format by the Department and sent back to the County Manager and Custodian.

**STEP FIVE**

Custodian then packages the records in the format requested, reviews the documents with the County Manager and completes the Request. Prior to delivery, other authorized parties may complete a final review. The Custodian notifies the County Manager by email when the Request has been delivered.

**STEP SIX**

Record time and materials associated with preparation. A public accounting for employee time, materials used, and taxpayer cost associated with all public record request from beginning to end (individually and in aggregate) received to date for the current fiscal year shall be made quarterly.

Please note that the department designee will be responsible for assessing all public records in the request. In most cases regarding emails, the Custodian, IT, the specific department head and the County Attorney’s Office will be involved. All emails, in all folders, may be reviewed.

Emails are reviewed in each of the following Outlook Mail folders:

- Inbox
- Sent

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- Deleted
- Junk Mail
- Archived
- Drafts
- Separate Folders
- Attachments to emails

If there is a question as to whether an email or document can be deleted or released, the department head shall be notified and shall determine its value. DO NOT DELETE the email, post from a social media site, or document without proper authority. To facilitate the process, please use the following guidelines for emails:

1. **Personal Business:** Avoid using your County email for personal business. For example, do not make or confirm appointments or meetings for doctors, parent-teacher conferences, any personal financial issues (banking, credit union), other family matters; pictures, jokes, political or religious views, gossip, or any other matter. Encourage friends to use your personal email for any correspondence. Do not send, receive or work from the County's computer system on any project from an outside job you may hold. Certain information disclosed or discovered may cause a disciplinary action to be taken against you, up to and including termination.
2. **Out of Office Alerts:** If you will be out of the office or unable to make a meeting because of a personal matter (doctor appointment, illness, school activities, etc.), do not be specific in your email as to why you cannot attend. Simply say, "I will be out of the office and unavailable until \_\_\_\_:00, or \_\_\_\_\_ (day)". The reason you will be out is between you and your supervisor or department head. Every effort will be made, but cannot be guaranteed, to redact such information within the email; however, depending upon the size of a public records request order it may be overlooked, especially if it is embedded in the body of an email or duplicated in the thread.
3. **Language and Tone:** Choose your words in your emails carefully. If your email regards County business, the email will be a public record regardless of the tone or wording used or its recipient.
4. **Meta Data:** Do not remove the Meta data from the email. It is considered a public record.
5. **Self-Filtering:** Employees are encouraged to self-filter emails in order to remove emails that are not related to County business. The employee is responsible to know the disposition of records for each document or electronic record requested. In other words, do not delete any county business email or purge any document unless its term value has expired. See examples below. Deliberately altering or deleting any email, file, folder, or document prior to its term value expiration is in violation of this policy and may result in disciplinary actions up to and including termination.
7. **Privacy Policy Disclosure Statement:** The following statement shall be posted in the header or footer section of all outgoing emails. "In keeping with the NC Public Records Law, online posts or emails sent by a county representative, or online posts or emails sent by the public to a county representative, including attachments, may be released to others upon request for inspection and copying." NON-ELECTRONIC DOCUMENTS, FILES

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OR REPORTS (Thanks to NCDCCR for allowing us to use their resources) The Government Records Branch of the North Carolina Department of Cultural Resources provides and administers records management services to local government agencies, among others, in accordance with N.C. Gen. Stats. §121 and 132, which mandates the preservation of the historical records of this State. Documents created by the County are considered Public Records. Some documents must be kept on file indefinitely, while others may be disposed of almost immediately. The Guidelines for Record Retention and Disposition below will give you an idea of how long a document must be kept.

## **GUIDELINES FOR RECORD RETENTION AND DISPOSITION**

This document is not all inclusive. If you are unsure of the value of the document, check with your supervisor, Department Head, or the County Attorney's Office or go to <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules> and download the complete schedule, or simply retain the record.

These guidelines are not intended to serve as authorization to destroy or otherwise dispose of unscheduled records. This information should be used as a general guideline only. You may also want to download "Managing Electronic Public Records" at the same site for specific information. Each Department shall make its own informed decisions about the value of each type of record.

**REMEMBER, IT IS NOT THE DELIVERY OR HOW THE INFORMATION IS RECEIVED; IT IS THE CONTENT OF THE INFORMATION.**

### **REDACTING INFORMATION:**

If you choose to post information that contains a redaction; that is, there is information that you do not want others to see and that portion has been blacked out; be aware that this information can be retrieved by anyone using the full commercial version of Adobe Acrobat. It is better to black out the information in a PDF, Word document, or image file, and then save it again as a new file, in an image format like TIFF or JPEG. Do not assume this confidential information or offensive language is secure unless you follow specific protocol.

### **SHORT TERM VALUE**

These may be deleted or disposed almost immediately

- Email messages not related to County business.
- Documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of County business.
- Records that do not contain information necessary to conduct County business, meet statutory obligations, carry out administrative functions, or meet organizational objectives.
- Preliminary or rough drafts containing no significant information that is not also contained in the final drafts of the records.
- Reservations, confirmation, routing slips, or other records that transmit attachments.
- Facsimile cover sheets containing only transmittal ("to" and "from") information, or information that does not add significance to the transmitted material.
- Tape recordings of meetings, made to assist in preparing the minutes, may be destroyed once the minutes are approved.

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- Administrative correspondence without historical value may be destroyed once its administrative value has ended.

**MEDIUM VALUE**

- Contracts may be destroyed three (3) years after their termination if there is no outstanding litigation.
- Records evidencing routine maintenance of government vehicles may be destroyed after one (1) year, while other maintenance issues on the vehicle must be kept for the life of the vehicle.

**LONG TERM VALUE**

- All minutes of a governing board must be kept permanently.
- \*Reminder: Make sure to check with the IRS or other agencies that may require longer retention schedules before destroying any files.

**CHARGING FOR PRODUCING RECORDS**

**FEES:**

PDF	No Charge
Disk	\$1.00 each
Hard Copies	Black & White \$.05    Color \$.08 per page
Certified Copies	\$5 for the first page, \$2 per page for each additional page

**EXTRAORDINARY REQUESTS:** Caswell County reserves the right (under N.C. Gen. Stats. 132-6.2) to charge a service fee based on the actual cost incurred for extensive use of information technology resources or labor costs of personnel providing the services as reasonably determined or calculated by the County Manager.

**DUPLICATION AND MAILING FEES**

If the requestor has asked that a copy of the public record be produced, then prior to the release of the copy the County will collect duplication fees. The County will update and post duplication fees as appropriate. Copies of public records that are not otherwise available in pre-printed form and that require an extensive use of clerical or information technology resources may be considered a special service and subject to an additional labor charge based on the County’s current pay schedule for the staff required to fulfill the request. 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. Standard US Postal Service first class mailing fees shall be charged for mailing copies of public records to any person, firm or corporation. The mailing fee shall be in addition to any other copying fee provided for herein.

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### **DEPOSIT FOR DUPLICATION**

In providing a response to a records request, the County will provide all requested records or other media containing public records in accordance with the terms of this Policy. If it is estimated that the duplication or transmission fees applicable to 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 costs prior to duplication of the records. If 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 of 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.

### **PAYMENT OF REQUIRED FEES**

Payment of duplication and delivery fees must be made prior to the release of public records. When required, the payment of a deposit will be made prior to the duplication of any records. All payments must be made by cash, money order, or check payable to Caswell County.

### **FAILURE TO PAY REQUIRED FEES**

If a requestor fails to pay an invoice for fees incurred within 30 calendar days, the County may require the requestor to pay in full any 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 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 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.

### **MUTIPLE REQUESTS**

Should a requesting party or group initiate multiple small requests in any ninety day period, fees will be charged as provided herein for all requests for records received from that party or group through the end of the then current fiscal year.

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**CASWELL COUNTY PUBLIC RECORDS REQUEST FORM**

***North Carolina General Statute Chapter 132 (§1-10)***

Date of Request: \_\_\_\_\_

**Please Print**

Name: (Optional): \_\_\_\_\_

Address: (Optional): \_\_\_\_\_

Email: (Required for PDF) \_\_\_\_\_

Phone: (Required if you want to be notified when you can pick up records)

\_\_\_\_\_

Records Requested-Please be as specific as possible:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Caswell County shall deliver the records at no charge by email in PDF format, unless otherwise requested. The County may charge a reasonable fee for disks/hard copies, postage, labor (for extraordinary large orders), and certified copies. Please see fee schedule below. Fees shall be paid prior to delivery.

You may also review Public Records on site during business hours by appointment only, unless the records are readily available to review, such as documents located within the Office of the Register of Deeds. Caswell County will process all requests in a timely manner.

**FEES:**

- |                        |   |
|------------------------|---|
| PDF                    | No Charge   |
| Disk                   | \$1.00 each   |
| Hard Copies            | Black & White .05    Color .08 per page                                   |
| Certified Copies       | \$5 for the first page, \$2 per page for each additional page             |
| <b><u>POSTAGE:</u></b> | Postage will be charged at rates set by the United States Postal Service. |

**EXTRAORDINARY REQUESTS:** Caswell County reserves the right (under N.C. Gen. Stats. 132-6.2) to charge a service fee based on the actual cost incurred for extensive use of information technology resources or labor costs of personnel providing the services.