

PUBLIC RECORDS (PIRT) POLICY

Approved by City Council: 1/17/2017

A. PURPOSE

The purpose of this policy is to aid in determining what is a public record, when public records are to be entered in the public information request tracking (PIRT) system, protocol for updates and responses for requestors, general protocol for determining which departments need to respond, and protocol for how the Legal Department is to be used in responding to public records, among other items listed below. It is the policy of the City of Greensboro to comply with all requests for public records in accordance with the law. Public records are the property of the people.

B. PUBLIC RECORDS

1. Public Records Defined

North Carolina General Statute (NCGS) 132-1(a) defines public record(s) as “all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official state or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the state or of any country, unit special district or other political subdivision of government.”

According to NCGS 132-6.2 (e), “Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist.” Requestors should be aware that the public records policy does not require the City to do research, analyze data or answer written questions.

2. Protected Records

All records maintained by the City of Greensboro are public unless they are exempt from disclosure under North Carolina Public Records Law. If a records request is denied, the City will cite the appropriate law that prohibits the disclosure.

Exempted records include but are not limited to:

- Confidential communications from the attorney to the client within the scope of the attorney-client relationship as defined in NCGS 132-1.1.
- Criminal investigation records and records of criminal intelligence information, as provided in NCGS 132-1.4 (active and closed investigations).
- Sensitive public security information, including specific details of public security plans and arrangements, detailed plans and drawings of public buildings and infrastructure facilities, and certain plans to prevent and respond to terrorist activity, as provided in NCGS 132-1.7 and technology security information.
- Records of minors per NCGS 132-1.4, 132-1.12 and 7B-2901.
- All information contained in City employees' personnel files maintained by the City is confidential in accordance with Chapter 160A, Section 168 NCGS except information deemed by the NCGS to be a matter of public record. These rules apply to personnel information for applicants, current employees and former employees.
- "Tax information" pertaining to a taxpayer's income or gross receipts may not be disclosed, as provided in NCGS 132-1.1.
- Social security numbers and personal "identifying information" is confidential and unlawful to disclose to the public. In addition to social security numbers, "personal identifying information" includes: employer taxpayer identification numbers; drivers' license numbers state identification card numbers and passport numbers; checking, savings, credit, and debit account numbers; personal identification code (PIN) numbers used to access financial resources; digital signatures; any other numbers or information that can be used to access a

person's financial resources; biometric data; fingerprints; and passwords; all as provided in NCGS 132.1.10, NCGS 75-61 and NCGS 14-113.20.

- Trade secrets and electronic payment account numbers are protected as set forth in NCGS 132-1.2. (Note that to protect a "trade secret" detailed requirements must be met.)
- The seal of an architect, engineer or land surveyor when that seal has been submitted for project approval under Part 5 of Article 19, Chapter 160A (Building Inspections) as set forth in NCGS 132-1.2.
- Certain "trial preparation materials" are protected as provided in NCGS 132-1.9. If records are created for or at the request of an attorney for the City when the City is engaged in litigation or litigation is anticipated, these records are likely protected 'trial preparation materials.' The Legal Department should be consulted if there is a request for such records.
- Names and addresses of complaining witnesses to crimes must be temporarily withheld if release of the information is reasonably likely to pose certain threats to the witnesses or materially compromise the investigation, as provided in NCGS 132-1.4.
- Certain economic development incentives are temporarily protected, but the City must make certain prior disclosures to applicants, as provided in NCGS 132-1.11 and NCGS 132-6 (d).
- Closed session meeting minutes that are deemed protected under NCGS 143-318.10 (e).

C. RESPONSIBILITY FOR RECORDS

The City department that is the custodian of the requested record will be assigned the public information request. The Legal Department will be involved in requests where it is the custodian of the records or where legal determinations need to be made.

City of Greensboro employees who assist in providing information to PIRT requests will be required to complete formal training in public information request protocol and public records law.

D. RETENTION AND DISPOSITION OF PUBLIC RECORDS

The law requires that public records be retained in a manner that allows public inspection and copying, and may not be destroyed for specific periods of time. Public records may be destroyed after they have been retained for the correct time period according to the records retention schedule published by the State of North Carolina.

Council member e-mails and “Talk to Council” e-mails will be uploaded to the open data portal on a weekly basis, for public review for one year. At the end of the one-year timeframe, the e-mails will drop off in 30 day increments, but will be archived and made available upon request.

E. RECORDS REQUESTS

1. Responding to a Record Request

The law does not state a specific response time. According to NCGS, 132-6 (a), “Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law.”

The Public Records (PIRT) Administrator will work on a timely, thorough and transparent response to all records requests. If a response takes longer than anticipated, the PIRT Administrator will contact the requestor to provide an update on his/her request. Please take into account the volume of records requested. The requestor may check the status of his/her PIRT request on the City’s website at any time: www.greensboro-nc.gov/PIRT.

A records request can be placed with any City employee or department, however for the best accountability and turn-around time, the City recommends filing a written public information request directly through the PIRT Administrator via e-mail: inforequest@greensboro-nc.gov. Please describe the information you are seeking, including as much detail as possible and the format in which you would like the records delivered. Requests may also be submitted through the City of Greensboro’s website at: www.greensboro-nc.gov/PIRT or mailed to:

Public Records Administrator
City of Greensboro
300 W. Washington St.
PO BOX 3136
Greensboro, NC 27402-3136

Any public information request (PIRT) that is expected to take longer than 1 day (8 hours) to complete will be logged into the PIRT system and deemed a PIRT request. If the information is readily available, it will be given to the requestor the same business day without being logged into the PIRT system. After the PIRT is requested, the requestor will receive an e-mail response acknowledging the request with an assigned tracking number. If the PIRT Administrator requires additional information before he/she can begin to process the request, he/she will contact the requestor. After receipt of the PIRT request, the PIRT Administrator will determine the appropriate search term and search parameter. The PIRT Administrator will contact the requestor and discuss the PIRT request and the search methodology. The appropriate search term and parameter will be recorded in the PIRT system. The City of Greensboro may apply a search filter on PIRT e-mail requests. These “analytics” are designed to remove duplicative e-mails. The PIRT Administrator will provide the requestor the option of use of the “analytics” filter and the response will be recorded in the PIRT system. City employees will review identified e-mails or documents. Items privileged under the PIRT statutes or personnel items are considered exempt from disclosure under North Carolina 1727 Public Records Law. The number of these privileged or personnel e-mails will be disclosed as will the legal justification for not producing these e-mails. The PIRT Administrator will request Council communications or documents that may have not entered into the City services for appropriate PIRT requests.

The requestor will be deemed unresponsive and his/her PIRT request will be closed if two weeks have passed (10 business days) and he/she has not responded to the PIRT Administrator’s follow-up inquiry.

Any request placed by a City Council member to the PIRT Administrator will be placed in the PIRT system and available online at: www.greensboro-nc.gov/PIRT.

2. Redacting Protected Information

If the content of a record is partially public and responsive to the request and partially exempt, the exempt portion of the content will be redacted.

3. Special Service Charge for Producing Records

In most cases, public records are easily retrievable and provided electronically via e-mail at no cost to the City or requestor. Pursuant to NCGS section 132-6.2 (b), a special service charge can be applied “If the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance, then the City may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services.” When the PIRT request results in a minimum of 1,000 emails or hard copies, the special service charge will be applied.

The special service charge will be the hourly rate in accordance with the lowest paid employee who would be conducting the work.

The Public Records Administrator will provide the requestor with a written estimate and extend the option of the requestor paying the charge. The requestor will be granted the opportunity to narrow the scope of the request. The requestor will be required to pay the City of Greensboro in advance of the request being fulfilled. If necessary work exceeds the estimate, an additional deposit will be required. Unused portions of the deposited funds will be refunded. Payment can be made in-person at the Collections Office located in Room 11 on the Upper Ground (UG) Level of the Melvin Municipal Office Building, 300 W. Washington Street or a check made payable to “The City of Greensboro” and be mailed to the Collections Division, PO Box 3136, Greensboro NC 27401-3136. If the requestor wishes to dispute the special service charge, he/she may file a complaint to the Public Records Administrator within ten (10) business days of receiving the response to his/her request. The appeals process is found on page six (6) of the City’s Public Records Policy.

4. Disputed Records Requests: Appeals Process

If a requestor has a concern or complaint regarding the initial response sent, the City asks that the requestor first contact the Public Records Administrator to file a complaint within ten (10) business days of receiving the response to the public information request. The PIRT Administrator can be reached Monday-Friday, 8am-5pm by telephone: 336-373-3282 or e-mail: inforequest@greensboro-nc.gov. The first step appeal will be submitted to the Communications Manager for the City of Greensboro, who will review the records request, the information provided, and the dispute and make a determination based on the appeal request. If further actions are requested beyond the first step, the appeal can be presented to the City Manager or his designee for review and determination.

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