

TOWN OF MANTEO ADMINISTRATIVE POLICY MANUAL

PUBLIC RECORDS POLICY

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APPROVED BY: KERMIT SKINNER, JR. TOWN MANAGER

1.0 PURPOSE: NCGS 132-1 Public record" or "public records" shall mean 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. It is the policy of this Town that the people may obtain copies of their public records and public information at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

2.0 UNITS AFFECTED: All

3.0 POLICY ADMINISTRATION Inspection and examination of records

(a) Policy. The Town of Manteo makes available to the public all records in its custody and control that are defined as "public records" pursuant to N.C.G.S. Chapter 132, and specifically N.C.G.S. §132-1. Such records do not include the following:

(i) **Confidential Communications.** Public records shall not include written communications (and copies thereof) to any Town board, council or commission made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the Town Board; provided, however, that such written communications and copies thereof shall become public records as defined in N.C.G.S. §132-1 three years from the date such communication was received by the Town.

(ii) **Tax Information.** Town tax records that contain information about a Taxpayer's income or receipts are not public records. A current or former officer, employee, or agent of the Town, who in the course of service to or employment by the Town, has access to information about the amount of a taxpayer's income or receipts may not disclose the information to any other person unless the disclosure is made to comply with a court order or a law; review by the Attorney General or a representative of the Attorney General, or to sort, process, or deliver tax information on behalf of the city, as necessary to administer a tax.

(iii) **Public Enterprise Billing Information.** Billing information compiled and Maintained by the Town in connection with the ownership or operation of a Town enterprise is not a public record.

(iv) **Electronic security and confidentiality.** Public records shall not include electronic files that contain passwords, security information, licensed software, copyrighted works, executable code nor any files that would otherwise compromise the security of the Town's electronic network. Pursuant to N.C.G.S. §132, emails and other electronic communication of a personal or confidential manner (examples include but are not limited to: communication protected by attorney-client confidentiality, emails discussing personnel matters, emails that are not related to Town business from a family member, emails from a doctor, etc.) are not considered a part of the public record. Town computers that contain any or all of the above listed exemptions from public record are not subject to direct public inspection.

(b) The Town Clerk, as the public official in charge of Town records, shall be the custodian of records for the Town of Manteo. Any person wishing to inspect or copy Town public records shall make a formal request of the Town Clerk in accordance with the procedures set forth in this Town Administrative policy and a public records request shall only be made by completing and submitting the "Public Records Request Form" provided by the Town. Public records requests shall not be accepted by telephone or email, unless the Request Form is sent via facsimile or email attachment

(c) Requests shall be for existing public records only. In no instance shall the Town be obligated to create, compile or summarize public records in fulfilling a request.

(d) Records will be available for inspection at the Town Hall during regular business hours in the Town Hall library with a staff member present and during a time convenient for staff and applicant. Requests for records will be as furnished promptly as reasonably possible, but in any event within 15 days for less than 10 documents and 30 days for over 10 documents or records that are archived. Requests requiring legal review may exceed stated time frames.

(e) Persons making a request must sufficiently describe the public records to be inspected or copied, and must also provide the following information:

- (i) Name, or some other manner of identifying the requester,
- (ii) Date of request;
- (iii) Public records requested with detailed information to assist staff with the identification, location, and production of the record. Including but not limited to, subject, date, and general description of the requested record.

(f) If the Town Clerk receives a public records request for Town records that contains written communications from the Town Attorney related to or regarding pending Town litigation, the Clerk shall confer with the Town Attorney prior to release of such records. The Clerk may also contact the town Attorney concerning a Public Record request prior to release to insure compliance with NCGS 132, The Clerk shall notify the requester that discussion with the Town Attorney is required, and make a note of the same on the Records Request Form.

(g) The Town requires payment in the amount of \$.15 per copy prior to releasing the documents, and the requester is required to sign the Town form upon receipt of the request. The cost for a copy of a CD will be \$5.00 or the requestor may chose to provide a blank CD for copying.