



Abraham Baldwin Agricultural College
Georgia Open Records Act

Policy, Procedures and Questions & Answers

The Office of Institutional Research & Planning is responsible for administering the College's compliance with the Georgia Open Records Act. This law places important responsibilities on you as a college administrator or staff member. Please familiarize yourself with this material. **Most of all, be sure to notify Institutional Research & Planning (229-391-4980) immediately when you receive a request for any record held by your office.**

We in the Office of Institutional Research & Planning seek to make ABAC open records compliance procedures user-friendly, non-adversarial, and open. The laws of Georgia make virtually every record held by ABAC, with only a few specific exceptions, accessible to any citizen who requests to see it. Placing unnecessary barriers between the people and the records to which the law entitles them access serves no positive purpose for the College. Therefore, it will be the College's goal to comply with requests for records without making the requestor invoke the formal procedures of the Open Records Act. The procedures outlined in this document will help you and us determine in a timely manner whether the records exist and whether they fall under the law, and to make them quickly accessible to the requestor.

Please call the Office of Institutional Research & Planning (229-391-4980) immediately whenever an issue arises regarding the application of the Georgia Open Records Act.

- ***Procedure for handling open records requests at Abraham Baldwin Agricultural College.***

Any institution employee receiving a request for records held under his/her individual or departmental responsibility should **immediately notify the open records manager, the Director of Institutional Research & Planning (229-391-4980)**. A request may be verbal -- it is not necessary that a request be in writing -- although any requestor may submit a formal, written request under the law if they so desire. We will contact the requestor directly to determine what they want to know, and will work with them to determine which records will best provide them that information. We then will contact the administrator responsible for those records to determine whether they exist, how voluminous they might be, and how much time might be required to search and assemble them. If the answer is a simple one and the records minimal, we will try to respond immediately and completely on the first day. In more complicated requests, and within three business days of the original request as required by law, the requestor will be notified of the existence of records, of the cost of searching, assembling and copying, and asked whether they care to proceed. If their answer is affirmative, the department will be notified to assemble the records and provide them to the Office of Institutional Research & Planning as promptly as possible for delivery to the requestor.

- **Q & A on the Georgia Open Records Act**

What is the Georgia Open Records Act?

It is a state law requiring that public records be open and available for inspection by any member of the public.

What is a public record?

Public records include virtually all records of state agencies. Documents, maps, photographs, videotapes, handwritten notes, computer data, including e-mails, all are public records if created or held by a state agency. Records held by private persons for a state agency and records held away from the work site all are subject to the law.

Does the Open Records Act apply to the Abraham Baldwin Agricultural College?

Yes. Because ABAC is a public agency, it is subject to the act.

What is the purpose of the Open Records Act?

The purpose is not only to encourage public access to certain information, but to maintain the public's confidence in government by discouraging secrecy and closed records. The act allows the public to evaluate the functioning of its institutions.

Who may make an open records request?

Any member of the public has standing to request an inspection of any public record. It is not necessary for the requestor to show particular need or interest in the matters covered by the record in order to gain access.

What obligation does the Open Records Act place on Abraham Baldwin Agricultural College?

ABAC must provide access to existing public records in its custody or under its control, including those the College created and those it has received in the course of its operation. We are not required to create a record which does not exist at the time of the request. We are not required to compile requested information into a single document.

Are there records which may be exempted from disclosure under the Open Records Act?

There are exemptions, but they are limited and have been interpreted very narrowly by the courts. The law presumes all records are open and places the burden on the College to demonstrate that any requested materials are exempt. If a public record contains both exempt and non-exempt material, the exempt portion must be removed and the remaining non-exempt material disclosed. The exemptions most relevant to ABAC are:

- medical records and other materials involving matters of personal privacy;
- records relating to pending investigations;
- records required by the federal government to be kept confidential, such as student educational records;
- trade secrets and certain information of a proprietary nature;
- certain research data, records, or information that has not been published, patented, or otherwise publicly disseminated;

- confidential evaluations submitted to a public agency in connection with the hiring of a public employee.

Are student evaluations of academic courses subject to disclosure under the Open Records Act?

Yes. Since 1988, it has been the opinion of the state Attorney General that such documents are open.

Are personnel files subject to disclosure under the Open Records Act?

Yes. However, any exempt material in personnel files, such as social security numbers, medical information, or information relating to the designation of beneficiaries, will not be available.

Are performance evaluations subject to disclosure under the Open Records Act?

Yes. There is no exemption for performance evaluations.

Are e-mails I send and receive subject to disclosure under the Open Records Act?

Yes. Any e-mail sent or received on ABAC-owned equipment, no matter where it is housed, or through private equipment housed on ABAC property, no matter whether it is business-related, is subject to disclosure.

As a University System employee, what is my responsibility to preserve public records?

Although other federal and state laws require the College to maintain certain records for a period of years, no particular records are required to be maintained by the Georgia Open Records Act until they have been requested. Once they are the subject of a request, records may not be erased, shredded, or otherwise disposed of under penalty of law.

Must the College notify employees named in records being disclosed?

While there is no such requirement in the law, the College will notify employees whose performance evaluations or personnel files are being released under an open records request.

What if I have a question about whether the records requested from me fall under the law?

Whenever you receive a request, you should immediately contact the open records manager in Institutional Research & Planning at 391-4980. We will evaluate the request for applicability under the law. If there are legal questions, we will consult with the Board of Regents attorneys for advice.

Can the College charge requestors for the cost of copies and staff time used in the search?

The law allows a copying fee not more than 25 cents per page and a charge for staff time used in the search, based on the pay rate of the lowest-paid employee qualified to search and assemble the documents.

How critical is the time element in complying with the Open Records Act?

It is very critical that any unit receiving a request for records immediately notify Institutional Research & Planning. The three-day clock for the College to comply under the law starts running when you receive the request, not when you relay it to us. It is the

responsibility of department heads to assure there is no delay in this notification to Institutional Research & Planning, which is responsible for compliance under College policy.

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