

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Open Records Request		
Policy Number: 101.07	Effective Date: 7/10/2019	Page Number 1 of 1
Authority: Commissioner	Originating Division: Executive Division	Access Listing: Level I: All Access

I. Introduction and Summary:

Georgia Law provides that all public records of an agency must be made available for inspection or copying unless they are specifically exempted by law. This policy governs the process by which the Georgia Department of Corrections (GDC) will respond to requests for documents that are publicly accessible.

II. Authority:

- A. O.C.G.A. §§ 50-18-70, *et seq.*, 42-5-36, 35-3-34, 35-3-37, and 31-33-3;
- B. GDC Standard Operating Procedures (SOP): 101.02 Standard Operating Procedures, 102.03 Social Media Policy, 105.02 Information Security, 104.63 Privacy of Personnel Records, 507.02.02 Confidentiality of the Health Record and Release of Information; and 508.09 Mental Health Records; and
- C. ACA Standard: 2-CO-1E-07.

III. Definitions:

- A. **Public Records** - All documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared and maintained or received in the course of the operation of the GDC. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of the GDC to the extent that such records would be subject to disclosure if received or maintained by the GDC or potentially via a request sent to the contractor.
- B. **Open Records Request** - Request made by a citizen to examine or copy a public record.

IV. Statement of Policy and Applicable Procedures:

- A. Requests for inspection or copying of public records maintained by the GDC may be made orally or in writing. Written requests must be submitted to the Office of Legal Services (Legal Services) at the below address or email:

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Office of Legal Services
P.O. Box 1529
Forsyth, Georgia 31029

Email: open.records@gdc.ga.gov

- B. Pursuant to O.C.G.A. § 50-18-72(a)(2), medical records are not subject to the Open Records Act; however, requests for medical and/or mental health records may be submitted to Legal Services at the above address or email. Access to medical records is subject to applicable state and federal laws. The party requesting health records shall be responsible to the provider for the costs associated with copying, mailing, and search, retrieval and other direct administrative costs related to compliance with the request. Medical and mental health records are not kept electronically.
- C. All open records requests shall be reviewed and evaluated by Legal Services. Not all documents maintained by the GDC are available to the public under the Open Records Act.
- D. When an open records request is received by another office in the Department, it shall **immediately** be forwarded to Legal Services by fax to (478) 992-5241, via email to open.records@gdc.ga.gov, or by hand delivery.
- E. Staff who do not hand deliver such requests will then confirm by telephone, at (478) 992-5240, Legal Services' receipt of the open records request within two hours of faxing or emailing the request or before 10:00 a.m. on the next business day if forwarded after 3:00 p.m.
- F. If there are no records which comply with the open records request, the Department is not required to create any new records.
- G. Legal Services shall notify the appropriate agency section, facility, center, or unit of the determination regarding the open records request and shall provide any further instructions regarding inspection or copying of the records or other response to the request.

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H. Reasonable fees may be assessed for search, retrieval, and other direct administrative costs associated with complying with the request.

1. The fee for copies shall be ten cents (\$.10) a page.
2. The hourly charge shall not exceed the salary (including benefits) of the lowest paid full-time employee who has the necessary skill and training to perform the request. No charge shall be made for the first quarter hour.
3. The most economical means reasonably available shall be utilized for providing copies of public records.

I. Nothing in this procedure shall change the manner in which subpoenas and formal judicial discovery requests are handled.

J. Any person who knowingly or willfully fails or refuses to provide access to records not subject to an exemption or who fails or refuses to provide access to records within the time limits may be subject to disciplinary action, civil liability and/or criminal prosecution.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.