

**JACKSONVILLE STATE UNIVERSITY**  
**Manual of Policies and Procedures**

**POLICY NUMBER: V:02:04**

**DATE: March 5, 2013**

**REVISION DATES: Jul 2021, Mar 2022, Oct 2024**

**SUBJECT: Production of Public Records**

**APPROVED: Dr. Don C. Killingsworth, Jr., President**

**PURPOSE**

With certain defined exceptions, the Alabama Public Records Act (§36-12-40, et. seq., *Code of Alabama 1975*, as amended) grants to a resident the right to inspect public records

It is the policy of the University to comply in a timely manner with proper requests to inspect and/or obtain copies of public records. Inspections of readily available records shall be allowed at no charge; however, the University charges reasonable fees to recoup its cost in retrieving and copying public records.

**POLICY**

**I. DEFINITIONS**

The following definitions apply to this policy.

1. The term “labor” shall mean the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing records.
2. The term “production costs” shall mean all reasonable costs the University incurred to produce public records requested by a citizen.

3. The term “public record” means any record of the University that is required to be open to inspection under the provisions of Alabama law, or, where applicable, the laws of the United States, or other applicable governmental rule or regulation. Some records maintained in the ordinary course of business by the University are excluded from the Public Records Act. The Office of the University Counsel shall determine whether exclusion applies to the requested document(s).
4. The term “Public Records Designee” (PRD) means that University employee appointed by the President who is named to receive and coordinate public records requests, and who maintains documentation of public records requests, responses, and charges. The University Counsel may act as a PRD without further authority of appointment.
5. The terms “Requesting Party” and “Requestor” are synonymous and shall mean the person or entity requesting to inspect and/or copy public records. Individuals requesting records may prove their Alabama citizenship by submission of official state or federal documents showing Alabama residency prior to inspecting and/or receiving copies of public records. A business requestor should submit proof of the entity’s current registration with the Secretary of State, or such other documentation as may be requested by the PRD or University Counsel demonstrating that the entity is a citizen under Alabama law.

Should a Requestor not be a resident of Alabama, the University Counsel shall determine whether such party is entitled to receive public records as a matter of law or regulation other than the Public Records Act, or pursuant to contractual agreement entered into by or on behalf of Jacksonville State University.

A Requestor who is neither a resident of Alabama, nor entitled to inspect or copy public records as a matter of law, regulation, or contract, may be provided public records if the appropriate University administration official in the sole exercise of his or her discretion determines it is in the interest of the public or University to do so.

## II. PRODUCTION OF PUBLIC RECORDS

The PRD shall make available for inspection any public record not specifically exempt from disclosure as soon as practical, taking into consideration current workload, the nature and extent of the records requested, the ready availability of records, and other relevant factors, with a goal of making the records available to the requesting party within fifteen (15) business days after the PRD receives the request for production in writing. Unless excused by University Counsel, Requestors are required to submit [Form 58](#) (available on the [www.jsu.edu](http://www.jsu.edu) website here: [Forms](#)) in order to request records from the University.

Records sought pursuant to subpoena or court order shall be exempt from using the University request form.

Unless otherwise required by law, the following information shall be redacted prior to disclosure of a record:

1. Home, cellular or fax telephone numbers
2. Social Security numbers
3. Employee identification number (unless the University Counsel determines that the information relates to job duties or an incident where such information may be properly disclosed)
4. Home address
5. Driver license numbers (unless the University Counsel determines that the information relates to job duties or an incident where such information may be properly disclosed)
6. Financial account information – credit cards, bank account, etc.
7. Family or household information
8. Personal email address(s)
9. Other personal information as to be determined by the PRD or University Counsel to be legally protected or otherwise not relevant to the request.

### **III. COSTS**

The Requestor shall reimburse the University, in advance, for the costs associated with producing the records at issue. The standard rate for copying costs shall be \$1.50 per page. In addition, the University may, at the discretion of University Counsel, charge the Requestor the labor cost of producing the requested records. The rate charged shall be based on the "hourly wage" (as determined by Human Resources), exclusive of benefits, of the employee(s) utilized to produce the records. Labor charges will generally be assessed when responding to the request requires a significant use of University resources to gather and produce the records at issue. The Bursar or University Counsel shall be responsible for the collection of monies and the delivery of records upon payment being made. Any other reasonable costs associated with the production of the requested records may be assessed against the requesting party.

### **IV. DELIVERY**

It is anticipated that delivery of produced records will be made by the Requestor picking up the records in person at the University. The Requestor may designate another person to call for the records but must inform the PRD of that designation in writing, which may be made by electronic means.

The PRD in his/her discretion may cause the records to be delivered by other reasonable means such as United States Postal Service. The estimated costs associated with delivery, other than by personal delivery to the Requestor, shall be recovered and charged in addition to other production charges. Express or courier delivery may be available where requested and the charge paid for in advance.

Unless approved by University Counsel, no records will be produced by fax or email.

### **V. PAYMENT**

The following procedure for the recovery of costs associated with the production of requested public records shall apply.

1. The PRD shall determine the total estimated cost of production and inform the Requestor of that expense before initiating the production.
2. The PRD may require prepayment of the estimated costs, subject to additional charges or refund of excess monies prepaid.
3. Unless excused by University Counsel, the total cost of production shall be paid before the records are produced unless production is pursuant to a valid court or administrative order directing delivery.
4. Production costs may be paid by cash, cashier's check, or money order, or such other means as may be approved by University Counsel or the Bursar and made payable to Jacksonville State University.
5. The Bursar's Office will, upon request, provide an appropriate receipt upon payment.

## **VI. WAIVER OF PRODUCTION COST**

The PRD or the University Counsel if records are requested by subpoena or court order, in his/her sole discretion may waive payment for or pre-payment of all or part of the cost of production of records to be determined as reasonable and proper on a case-by-case basis. Consideration of waiver of the cost of production may include such non-exclusive factors as the expenditure of time and/or cost of production was minimal, the Requestor's legal status (governmental office or official), the anticipated use of the information (commercial, non-commercial, educational), the individual Requestor's financial ability to pay, or that production will promote the business or welfare of the University or its students.

## **VII. REQUESTS FOR COPIES FOLLOWING INSPECTION**

Inspection of readily available records shall be allowed at no cost; however, copies of any records inspected shall be charged according to the then existing charge schedule for other records.

Copies of certain public records are maintained in the Houston Cole Library and are available for inspection and copying upon request. Only copying charges shall be collected for production of copies of any such documents requested in person at the library and shall be collected the same as any other copying charges are collected for other materials maintained for public access by the library staff. Should copies of such records be requested other than in person, the copying and delivery cost for any such records shall be in accordance with the fee schedule otherwise set out herein.

#### **VIII. RECORD REQUEST FORM**

The University Counsel shall be responsible for reviewing and updating the Form 58.

Authority: Section 36-12-40, *et seq.*, *Code of Alabama 1975* (as amended)

#### **RESPONSIBILITY**

The University Counsel is responsible for this policy.

#### **EVALUATION**

This policy will be evaluated at least every five (5) years or upon changes in Alabama law governing production of public records.