

(Effective October 1, 2024)

## CHANCELLOR'S PROCEDURE for Policy 222.01 Open Records Requests

Effective October 1, 2024, every ACCS entity shall task at least one employee with responding to public records requests and designate them as the ACCS entity's public officer for purposes of complying with Alabama Code 36-2-40 through 46. This public officer may be designated as a public records clerk or assistant, public records officer, public records specialist, or public records coordinator, depending on other tasks assigned and agreed by the ACCS System Office, or they may continue with their current title as long as their job description is updated to reflect this public officer task.

Effective October 1, 2024, every ACCS entity shall adopt this written procedure (or a substantially similar procedure in accordance with Alabama Code 36-2-40 through 46) and post the written procedure on the ACCS entity's website along with the Open Records Form (which templates shall be provided by the Chancellor's Office)

### COLLEGE PROCEDURE FOR OPEN RECORD REQUESTS

This procedure for Open Record Requests shall be posted on our College website. The Open Records Request Form, with instructions, shall also be posted on our website

We have no obligation under the law to respond to a public records request that is made in accordance with these written procedures and instructions

GENERAL INSTRUCTIONS Any Alabama resident desiring to inspect or take a copy of a public record shall submit a public records request on the Open Records Request Form. Once complete, this Open Records Request Form must be submitted to the public officer, either by:

- x hand delivery addressed to the public officer above at the address provided; or
- x mailing addressed to the public officer above at the address provided; or
- x emailing to the public officer at the address provided.

Receipt of a hand delivered, mailed, or emailed public records request occurs when the request is actually received by the public officer. A hand email receipt, certified mail receipt, or similar signed postage receipt shall be prima facie evidence of receipt by the public officer.

GENERAL RULE: Every Alabama resident has a right to inspect and take a copy of any public record of this state, unless exempted from disclosure under or unless he/she fails to follow these procedures and instructions

EXEMPT FROM DISCLOSURE Public records and document content that are exempt from disclosure under the law include but are not limited to

- x Information received by a public officer or public official in confidence;
- x Information which contains sensitive personnel records;



- c. A statement that the public officer is prepared to provide the requested public records to the requester upon payment of a reasonable, specified fee.
- d. A statement that denies the request with reasons stated therefor.
- e. A statement that denies the request on the grounds that the requested public record does not exist within the government agency.
- f. A statement that denies the request for failure to substantially complete a standard request form.
- g. A statement that denies the request for failure to substantially comply with the written procedures established by the public officer for such request.
- h. A statement that denies the request because the records sought are ~~not~~ public exempted or not subject to disclosure.

TIME -INTENSIVE REQUEST is defined as:

A public records request that the public officer determines would ~~take~~ take more than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and any time needed to redact or take other measures to withhold legally protected information.

#### RESPONDING TO STANDARD REQUEST

For a standard request, the public officer, or his/her designee, shall

- (1) acknowledge a proper request by email or address to the requester within 10 calendar days of receiving the request and may require the requester to pay a reasonable fee set by the public officer before the requester may receive any public records. If the public officer elects to charge a fee, the public officer shall notify the requester of the estimated fee and withhold any public records until receipt of payment, and then
- (2) provide a substantive response either fulfilling or denying a proper request within 15 business days of acknowledging receipt. The public officer may extend this period in 15-business day increments upon written notice.

RESPONDING TO TIME-INTENSIVE REQUEST

For time-intensive requests:

(1) At or around the time of designating the request as time-intensive, the public officer shall make a record in a log maintained for keeping track of currently pending time-intensive requests. For each such currently pending request, the log shall identify the name of the requester, the general subject matter of the request, and the date of acknowledgment. The log shall be a confidential document that is not subject to disclosure except pursuant to proper discovery methods provided discoverable pursuant to proper discovery methods provided under applicable rules of procedure.

(2) The public officer may require that (a) the requester provide a copy of the request to the public officer.

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- x actual digital storage cost (disc, drive, or other similar item) and/or
- x actual mailing costs if not picked up by requestor, and/or
- x research fees (\$25 per single or individual record request) and/or
- x personnel cost (When staff time and other resources would impose an undue burden on the institution's financial resources or available staff time, additional charges may be assessed when the search for requested documents and/or reproduction consumed more than two hours of employee's time.)

Any of these fees which are estimated must be paid in advance prior to the production of the records requested.

### ADDITIONAL INFORMATION

If a public officer responds to a request by seeking clarification or additional information on a standard request or time-intensive request, the timelines established in this section shall be tolled and shall restart once the public officer receives the requested clarification or additional information as if the requester had submitted a new request.

A public officer's decision to seek clarification or additional information with respect to any particular request shall not operate as a waiver of the public officer's right to seek clarification or additional information in response to other, future requests.

A request made pursuant to the Open Record Act must identify the requested public record with reasonable specificity. A public officer shall not be obligated to respond to a public records request that is vague, ambiguous, overly broad, or unreasonable in scope.

A public officer shall not be required to create a new public record if the requested record does not already exist. An ACCS entity is not required to create documents, compile data, or prepare reports that have not already been created, compiled, or prepared in the normal course of business.

A public officer shall not be required to respond to requests that seek information or other materials that are not public records. No ACCS entity is required to respond to oral or written questions under Alabama's Open Records laws. No ACCS entity is required to respond to requests for interviews under Alabama's Open Records laws.

No original records may be removed from the ACCS entity.

An ACCS entity is not required to reproduce information published or otherwise generally available to the public, such as on the institution's website or other state agency websites.

The public officer, or his/her designee, will make a reasonably diligent search for the records requested.



## OPEN RECORDS FORM

Any Alabama resident desiring to inspect or take a copy of a public record from an Alabama Community College System entity shall submit a public records request by properly filling out this Open Records Form and properly delivering the Open Records Form to the public officer named below.

The College's public records officer is Akeem Alexander and can be contacted at [akeem.alexander@drakestate.edu](mailto:akeem.alexander@drakestate.edu).

### INFORMATION REQUIRED:

1. Date Request Submitted: \_\_\_\_\_
2. For this request to be valid, you must provide, simultaneously with this Form, a photocopy or scan of reasonable proof of residency. The public officer accepts the following as reasonable proof of residency: (1) unexpired Alabama Driver's License, or (2) valid Alabama state-issued Identification Card, or (3) an Alabama Voter Registration Card, or (4) unexpired Passport showing an Alabama address. Requests will not be processed or answered without this information.
3. Identify the public record/s you request: (Be as specific as possible. A valid request must identify the requested public record with reasonable specificity. The public officer is not obligated to respond to vague, ambiguous, overly broad, or unreasonable in scope requests, nor is a public officer obligated to respond to a request that seeks records that do not exist or materials that are not public records. Additionally, costs will be assessed based on number of requests, volume of requests, and estimated time to search for requests.

4. Provide your full contact information below.

Full Legal Name: \_\_\_\_\_