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Title: **Georgia Open Records Act Request Fulfillment**

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**Purpose:**

It is the Wildlife Resources Division's responsibility and intent to answer all Georgia Open Records Act (GORA) requests according to established statute. This policy ensures that all WRD staff are aware of this responsibility and will act accordingly in the event a GORA request requires their involvement.

**Policy:**

The Georgia Open Records Act O.C.G.A. 50-18-70 and related subtitles of Georgia Law authorize a personal inspection of public records by any citizen regardless of their state of residence, unless prohibited by court order or otherwise exempted by law. Generally, both open and closed administrative files, as well as closed investigative files and case reports, fall within the definition of public records. No public officer or agency is required to prepare reports, summaries, or compilations not in existence at the time of an Open Records request.

A. **Procedures**

The following procedures will be used to respond to requests under the GORA:

1. Requests received by the Commissioner's Office or Wildlife Resources Division Headquarters Office will be forwarded immediately to the appropriate WRD Office for response to the requestor.
2. Requests sent from WRD-HQ to WRD Offices will be processed at that location in accordance with the provisions of this policy and the GORA. A copy of all open records requests received first at other Office locations should immediately be forwarded electronically to the Wildlife Resources Division Director's Office for assignment and tracking purposes.
3. WRD-HQ will assign a designated records custodian to respond to each request and to maintain records associated with each request. The appropriate custodian will review all prepared responses before they are sent to the requestor.
4. The Director of Personnel, in consultation with the Office of Legal Services, will respond to requests for production of documents contained within an employee's personnel files. Employees will be notified when requests for information from their files have been made.
5. All GORA requests, responses, and supporting documentation pertaining to those requests will be maintained in the assigned custodian's administrative file for the required retention period of three years.

6. If the request is denied, in whole or part, a memorandum to the requestor should include the reason for denial. If the request is approved for processing, a short cover memorandum should include:
  - a. The name of the DNR employee who prepared the record for inspection.
  - b. The name and address of the person(s) who reviewed the records.
  - c. A listing of any records released under the request.
  - d. A copy of the Open Records Cost Worksheet, if applicable.
  - e. A copy of the assigned Office's response.
7. Questions pertaining to appropriate responses to requests should be directed to the DNR Legal Office.

## B. General

1. Although requests for inspection of records under the GORA are not required by law to be in writing, individuals making verbal requests should be encouraged to make such requests in writing in order to prevent misunderstanding or confusion relative to the specific information requested.
2. Many requests received under the GORA may not be clear as to the specific record being requested. It is appropriate to ask the requestor for specific information regarding the subject, provided the assigned employee responds to the request for records within three business days of receipt.
3. Record(s) that are subject to dissemination must actually be made available for inspection or copying within three (3) business days of receipt of an open records request O.C.G.A. 50-18-71(b)(1)(A).
  - a. Where responsive records exist but are not available within three (3) business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided O.C.G.A. 50-18-71(b)(1)(A).
  - b. If access to an open records request is denied in whole or in part, the DNR shall have three (3) business days upon receipt of the open records request to specify, in writing, the specific legal authority exempting such record(s) from disclosure by code section, subsection, and paragraph O.C.G.A 50-18-71(d).
  - c. In the event an error is made in the invocation of any exemption, an amended response can be made on a one-time basis within five days of the discovery of the error.
4. An employee will be assigned by the assigned responder to monitor each inspection of original records and related material to prevent mishandling, loss or destruction of records and files. Monitoring is not required during the inspection of photocopied records or other non-original documents. The requestor will be charged no fee associated with the monitoring of record inspections.

5. At the request of a person, firm, corporation, or other entity requesting records, records maintained on computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to non-requested or unavailable records. The agency must provide access to electronic data it keeps. The proper way to do this is to download the file with the data or to email the data to the requestor. The agency is not required to provide access to computer programs. Only the data files or data are open to inspection.
6. The DNR is authorized to impose a fee for all administrative costs associated with the search, retrieval, preparation, and copying of requested documents. The imposition of a fee is allowed. There will be no charge for the first quarter hour of employee time expended in the process.
7. The response to an individual requesting records shall also include the estimated cost of the copying, search, retrieval, and other administrative fees as a condition of compliance with the provisions of the Open Records Act prior to fulfilling the request as a condition for the assessment of any fee O.C.G.A. 50-18-71(c) (1)–(3), using the DNR Open Records Estimate Cost Worksheet, especially if DNR estimates it is going to charge more than \$25 dollars to produce the records. The DNR may not require prepayment of estimated costs unless they exceed five hundred dollars (\$500) or if the requestor did not pay for a previous request where the costs were properly estimated.
8. The employee processing the request will accurately document on the worksheet:
  - a. The amount of time expended in the search, retrieval, and preparation of the record.
  - b. The cost of the time expenditure will be calculated at the hourly rate of the lowest paid full time employee in that particular Region Office, with no charge for the first quarter hour of employee time expended.
  - c. The 10 cents per photocopy page (8 ½ x 11) is a uniform copying fee to be charged when making the deliverable copy.
  - d. The Tape/CD and photograph charges are calculated upon the actual costs incurred by the DNR in reproducing these items. It is the practice of the DNR to charge a rate of thirty-five (\$35) dollars for the duplication of recorded tapes and CDs.
9. In the event multiple requests for copies of the same record are received simultaneously or multiple requests are on file when a record is released, the administrative costs associated with the search, retrieval, and preparation will be equally divided among the requestors. Otherwise, only the initial requestor will pay these preparation fees. Requestors for records, which were previously prepared, will be charged only reproduction fees.
10. Payment for all costs may be made by cash, cashier's check, money order, business or personal check payable to the Georgia Department of Natural Resources. A copy of the Cost Worksheet or invoice and corresponding check or money order will be forwarded to

the DNR Cash Management Office to add back to the Division budget as an expense credit.

11. Records will be redacted of information exempted from public disclosure as follows:
  - a. Many documents/materials are exempted from release in their entirety and these items may be completely removed from the record.
  - b. Other documents/materials contain only specific information which is exempted from release. In these instances, the documents may be electronically or manually redacted for release.
  - c. When manually redacting documents/materials, a photocopy of the document will be made and the specific exempted information will be blacked out with a heavy ink marker. The document photocopy will then be recopied to insure it cannot be read.
12. For all citizens it is permissible to redact the following:
  - a. Social security number
  - b. Mother's birth name
  - c. Credit card information
  - d. Debit card information
  - e. Bank account information
  - f. Account numbers
  - g. Utility account numbers
  - h. Passwords used to access accounts
  - i. Financial data
  - j. Insurance or medical information in all records
  - k. Unlisted telephone number if so designated in a public record
  - l. Personal e-mail address
  - m. Cellular telephone numbers
  - n. Day and month of birth
13. Investigative Exceptions:
  - a. Investigative records of Law Enforcement agencies may be kept sealed, except for the complaint or initial incident report, until the investigation and prosecution is over.
  - b. DNR will release the initial incident report stating the exemption and advising the requestor that if he/she wishes to gain control of all other evidence regarding their request that they will have to file Discovery through the appropriate court with jurisdiction over the incident/case.
  - c. In high profile cases, the Administrative Sergeant should consult with the District Attorney, to determine if the requested documents should be released. The Judge may issue a court order denying the documents to be released to the requestor.
  - d. Investigative records, pertaining to complaints against public employees, 10 days after the complaint is presented for action.

14. To ensure that future Open Records requests are met with the same response, a duplicate copy of the modified record as released will be retained within the Open Records Administrative File held by the assigned respondent. The record will be released in the same modified version for all future requests.

- a. The Georgia Department of Natural Resources looks to its officials to act in good faith under the Georgia Open Records Law, remembering that the Open Records Act is always interpreted in favor of openness. When in doubt the law requires openness. Exceptions are always narrowly construed. A person or entity who knowingly and willfully violates the Act can be punished, both through civil and criminal litigation.