

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Functional Area: POLICY & EXECUTIVE PROCEDURE/OFFICE OF LEGAL SERVICES	Reference Number: IG01-0004	Revises Previous Effective Date:
Subject: OPEN RECORDS REQUESTS		9/01/01
Authority: OWENS/SCHOFIELD	Effective Date: 1/15/11	Page 1 of <div style="text-align: center;">3</div>

I. POLICY:

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. Generally, these records must be made available within three business days of the receipt of the request. 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, shall be guilty of a misdemeanor punishable by a one hundred dollar fine (\$100). It is the policy of the Georgia Department of Corrections to provide access to all public records in accordance with the law.

II. APPLICABILITY:

Agency-wide, including all activities under the jurisdiction of the Board of Corrections.

III. RELATED DIRECTIVES:

O.C.G.A. §§ 50-18-70 et seq.; 42-5-36; 42-8-40; 15-11-59

IV. 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 Department of Corrections. 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 Department of Corrections to the extent that such records would be

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subject to disclosure if received or maintained by the Department of Corrections.

- B. Open Records Request: Request made by a citizen to examine or copy a public record.

V. ATTACHMENTS:

NONE

VI. PROCEDURE:

- A. All requests for inspection or copying of open records must be made in writing and must be delivered to the Office of Legal Services. Any individual attempting to make a verbal request will be directed to specify in writing the records being requested and will be given the mailing address of the Office of Legal Services.

The address for the Office of Legal Services is:

P.O. Box 1529

Forsyth, Georgia 31029

- B. All open records requests shall be reviewed and evaluated by the Office of Legal Services of the Department of Corrections.
- C. When an open records request is received by another office in the Department, it shall **immediately** be forwarded to the Office of Legal Services by fax to (478)992-5241 or by hand delivery.
- D. Staff will then confirm by telephone at (478)992-5240 the Office of Legal Services' receipt of the open records request within two hours of faxing the request.
- E. When an open records request is received by any agency section, facility, center, unit, or office, after insuring that the Office of Legal Services has received a copy of the request, staff will **immediately** determine whether any documents exist which comply with the request.

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- F. A description of any documents meeting the request including the format of the document and its availability will be provided to the Office of Legal Services.
- G. If there are no records which comply with the open records request, the Department is not required to create any new records.
- H. Office of 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.
- I. 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 twenty-five cents (\$.25) 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.
- J. Nothing in this procedure shall change the manner in which subpoenas and formal judicial discovery requests are handled.
- K. 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 shall be guilty of a misdemeanor punishable by a one hundred dollar fine (\$100). As this is a criminal penalty, the employee would be personally responsible for payment of this fine. Disciplinary action may also be taken by the Department.