

JACKSONVILLE STATE UNIVERSITY
Manual of Policies and Procedures

POLICY NUMBER: V:02:04

DATE: March 5, 2013

REVISION DATES:

SUBJECT: Production of Public Records

APPROVED: William A. Meehan, President

PURPOSE

The so-called Alabama Public Records Act (§36-12-40, *Code of Alabama 1975*, as amended) grants to a citizen the right to inspect public records.

“Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. Provided however, registration and circulation records and information concerning the use of the public, public school or college and university libraries of this state shall be exempted from this section. Provided further, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child. Notwithstanding the foregoing, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. §5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. §388.113(c)(1) as amended) the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted from this section. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records.

(Code 1923, §2695; Code 1940, T. 41, §145; Acts 1983, No. 83-565, p. 866, §3; Act 2004-487, p. 906, §1.)”

It is the express policy of Jacksonville State University to comply in a timely manner with proper requests to inspect and / or obtain copies of public records. Inspections of readily available

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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, working with the University Counsel, 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 citizen of Alabama, the PRD or 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, or his/her designee, 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 ten (10) business days after the PRD receives the request for production in writing. The University Counsel shall promulgate a standard form ([Form 58](#)) to be used by a Requestor. Records sought pursuant to subpoena or court order shall be exempt from using the University request form. In the event it is not practicable to produce the requested record(s) within ten (10) business days, or if the records requested are exempt from disclosure, or if the Requestor is determined not a citizen who is otherwise entitled to production, the PRD shall (as applicable):

1. Deny the request in writing stating therein the basis for the denial; or
2. Furnish the requestor written notification of the delay and stating the time within which it is anticipated the records will be produced.

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. COPY COSTS

The copying costs of records produced shall be paid by the Requestor in accordance with the following schedule:

1. Hard Copy Charges

The charge for hard (paper) copies of records (exclusive of labor charges) is as follows:

- A. Black & White - \$.50 per page single-sided / \$.75 double-sided
- B. Color - \$ 1.00 per page single-sided / \$ 1.50 double-sided

2. Digital Copies

Records produced on digital media - the actual cost of the media on which the records are provided (CD, DVD, thumb drive, etc.) shall be charged.

If the records exist electronically but not in the format requested, or a new or modified computer application or process is necessary to render the records readable in the format requested or is needed to provide them to the Requestor, or if a new or modified application is necessary to retrieve and make usable backed up historical records, the Requestor shall be charged the reasonable costs necessary in putting the records in readable or usable format, or to access and retrieve backed up records and documents.

Electronic records will be produced in "Read Only" format.

IV. LABOR COSTS AND CHARGES

The PRD shall 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. The Bursar shall be responsible for the collection of monies and the delivery of records upon payment being made.

V. 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, United Parcel Service, Federal Express, etc. The costs associated with delivery, other than by personal delivery to the Requestor, shall be recovered and charged in addition to other production charges.

No records will be produced by fax or email.

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VI. 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 ([Form 57](#)) 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. The total cost of production shall be paid before the records are produced unless production is pursuant to a valid court order directing expedited delivery.
4. Production costs may be paid by cash, cashier's check, or money order, or such other means as may be approved by the Bursar, and made payable to Jacksonville State University.
5. The Bursar's Office will provide an appropriate receipt upon payment.

VII. WAIVER OF PRODUCTION COST

The PRD, after consultation with the President, Provost, or Vice President for Administrative and Business Affairs, 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.

VIII. 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.

IX. STANDARDIZED FORMS TO BE PROMULGATED

The University Counsel shall promulgate a form or forms to be utilized for the requested inspection and/or production of public records ([Form 57](#)). The Bursar shall promulgate an appropriate form ([Form 58](#)) for the computation and recovery of costs associated with production of those records.

Authority: Section 36-12-40, *Code of Alabama 1975*

RESPONSIBILITY

The Provost and Vice President for Academic and Student Affairs are responsible for this policy.

EVALUATION

This policy will be evaluated on an annual basis.