

Proposed Public Records Requests Policy

Generally, public records are defined in Chapter 132 of the North Carolina General Statutes as documents, papers, letters, maps, books, photographs, videos, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received by the Town in connection with the transaction of public business.

The Town of Sunset Beach is willing and pleased to make available for public inspection or copy all public records as defined in Chapter 132 of the General Statutes unless public access is denied by state or federal statute. Examples of some documents or records not considered public records are: confidential communications by legal counsel to a public board or agency; most criminal investigation records; Juvenile records; letters from lawyers to board members about litigation; business trade secrets; tax records that show income or receipts; most medical records; minutes of closed sessions until released; public enterprise billing information; Anti-terrorism plans, public security plans, and plans and drawings for public buildings and infrastructure; Social Security numbers and other personal identifying information (mainly bank account numbers and bank card account numbers); and most information about minors participating in recreation programs. Following are some general guidelines to assist you in making a public records request:

I. Inspecting Public Records in Person

1. Citizens have the right to inspect, examine or obtain copies of public records in person during normal business hours, which typically are 8:30 a.m. to 5 p.m. Monday-Friday.
2. The public official in charge of each agency or department of Town government serves as the custodian of public records generated in the course of carrying out the responsibilities of that office. In general, all public records are kept in the buildings in which they are ordinarily used. In most cases, the Town Clerk will serve as the custodian of public records generated by or presented to the Town Council.
3. The law does not require public agencies to create or compile records; only to provide access to records that exist.
4. As a custodian of public records, the official in charge of an agency or department of Town government may appoint a staff member to provide assistance and/or reasonable supervision during an inspection of public records.
5. The Town of Sunset Beach employees will make every effort to respond to requests to inspect public records in a timely manner. However, public records law does not require employees to stop current activities to accommodate requests for information. Therefore, it may not be possible to access the records requested while a person waits.

6. Any appointment to inspect records is limited to no more than a two (2) hour appointment on any given day, unless otherwise mutually agreed upon between the requestor and the Town. Records that have been pulled for inspection will be made available to the requestor for a period of no more than 14 calendar days. If the requestor fails to contact the Town within 14 calendar days of being notified that the records are available for inspection: (1) the records will be returned to the originating department; and (2) the requestor will need to submit to a new request for the records and the process will begin anew.

II. Requesting Copies of Public Records

In order to effectively track requests, all requests for inspection or obtaining copies of public records must be made in writing and presented to the Sunset Beach Town Clerk either by mail, fax, email or hand delivery. Requests by phone will not be accepted. Information for these delivery methods is as follows:

Mailing & Delivery Address: Sunset Beach Town Hall - Town Clerk Department
700 Sunset Boulevard North
Sunset Beach, NC 28468

Email: sunsetbeach@atmc.net

Fax: (910) 579-1840

When making a written records request, please include the following information or complete the Public Records Request Form attached:

1. Your name;
2. The date of the request;
3. Your full mailing address, telephone number and email address (if applicable);
4. A description of the record(s) you are requesting; and
5. The title and date of the record requested, if known.

II. Responding to Requests for Copies of Public Records

The Sunset Beach Town Clerk will make an initial response to the request for public records within three (3) business days of receiving the request. The initial response will include a request for any clarifying information needed, cost estimates for providing records if known and an estimated availability time for the records requested. Depending on the nature and size of the request, the Town may request a deposit before proceeding with the request. See Section V. below for more details.

Response time for a public records request may vary from a few hours to several business days depending on the nature of the request. Factors that may affect the response time include:

- Whether the requested documents are more than 6 months old.
- Whether the request involves accessing multiple documents or categories of documents.
- Whether information has to be gathered from more than one person or department.

- Whether it is necessary to redact information from the documents.
- Whether the request affects the ability of staff members to carry out their regular responsibilities.

A Public Records Request is not continuing in nature. In the event additional records are created after the date of the requestor's original Public Records Request, the requestor must submit a new request. Any records or portions of records made available by the Town will be provided to the requestor in the same format as they are kept by the Town.

In some circumstances, a request for public records may be denied for reasons outlined in NC General Statute 132 or by other state or federal statute. In such situations, the Town Clerk will provide an explanation in writing as to why the request was denied. The requestor may appeal the denial in writing to the Town Administrator. Appeals may be delivered to the Town Administrator by mail, fax or email to the following: Town Administrator; c/o Town of Sunset Beach Town Hall; 700 Sunset Blvd. N.; Sunset Beach, NC 28468; Phone: (910) 579-6297; Fax: (910) 579-1840; Email: gparker@atmc.net. The Town Administrator will render his decision no later than the second business day after receipt of the appeal.

IV. Duplication and Transmission Fees

Prior to the release of copies of any public record, the Town will collect duplication fees.

The Town has a schedule of fees approved by the Town Council and/or a particular agency of state government that addresses costs associated with public records generated by the Town. In such cases, the approved schedule of fees will be used instead of the fees outlined below.

Unless otherwise covered by an existing schedule of fees, the costs associated with reproducing a public record will be \$.10 - \$.20 per duplicated page depending on sheet size & color. If applicable, the record can be sent as an E-mail attachment (ten megabytes or less) at no cost.

The town is not required to create or compile a record that does not exist. Copies of public records that require an extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the town may be considered a special service and result in a higher fee. A fee of \$1.25 shall be charged for mailing copies of public records to any person, firm or corporation, unless the cost of postage exceeds \$1.00 in which case the fee for mailing shall be the actual postage plus \$1.22. The mailing fee shall be in addition to any other copying fee provided for herein.

V. Deposit for Duplication:

In the event that it is estimated that the duplication or transmission fees applicable to a particular records request exceed \$25.00, the Town, at its discretion, may require the requestor to deposit a sum equal to 75 percent of the estimated cost prior to duplication of the records.

In the event that a deposit is required, the Town will notify the requestor of the necessity of the deposit. In the event that the actual duplication and deposit fees are less than the amount deposited by the requestor, the Town will return the sum in excess of the actual amount to the requestor.

VI. Payment of Required Fees

Payment of duplication and delivery fees must be made prior to the release of public documents. All payments must be made in cash, money order, or check payable to Town of Sunset Beach.

Payments may be made in person at Town Hall with the Town of Sunset Beach Accounts Receivable Clerk, 700 Sunset Blvd. N. Sunset Beach, NC 28468. A copy of the public records request must be submitted with payment.

VII. Failure to Pay Required Fees:

In the event a requestor fails to pay a bill for fees incurred within 30 calendar days, the Town will require the requestor to pay in full the past due amount owed before it will begin processing a new request or a pending request from the delinquent requestor.

In addition, the Town may require advance payment for any future requests of the full amount of the estimated fee before the Town begins to process a new request or a pending request from that requestor.

If the Town is unable to collect the duplication fees from the requestor, the Town may, upon providing thirty (30) calendar days prior written notice to the requestor, destroy the duplication set of records made available for the requestor in order to avoid storage concerns. Although the records are destroyed, the requestor will still be made responsible for the costs the Town incurred in duplicating the records originally requested by the requestor.

If you have questions about public records or don't know which Town department is custodian of the records you are requesting, please contact the Town of Sunset Beach Town Clerk by phone (910) 579-6297, email sunsetbeach@atmc.net or mail 700 Sunset Blvd. N., Sunset Beach, NC 28468.