

GATES COUNTY NORTH CAROLINA

Gates County
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Public Record Requests

General:

Gates County is fully committed to satisfying both the letter and spirit of the North Carolina Public Records law, N.C.G.S. 132-1 *et seq.* The purpose of these policies and procedures is to ensure the equal, fair, and consistent treatment of all citizens who request public records maintained by Gates County.

However, according to N.C.G.S. 132-10, employees and officials may require the requesting party to agree in writing that geographical information system databases and data files will not be resold or used for trade or commercial purposes. Also, we may require computer database requests be in writing according to N.C.G.S. 132-6.2.

Request for Public Records:

- Requests for public records may be made by any person, corporation or public entity.
- Persons requesting to inspect a record cannot be required to disclose their purpose or motive for wanting the record, nor can they be required to give their name or address, or show an ID, or sign for a record. .
- According to N.C.G.S. 132-10, employees and officials may require the requesting party to agree in writing that geographical information system databases and data files will not be resold or used for trade or commercial purposes.
- All requests for public records shall be made in writing on the Gates County Public Records Request Form and submitted to the County Managers Office to ensure the County accurately produces the requested document(s) in a timely and efficient manner.
- A specific description of the documents requested including, if possible, the subject of the documents, the author of the documents and the date of the documents is requested.
- In some cases, the record custodian may be able to simply forward a copy of the requested record(s) to the requester. In other cases, the record custodian may make the records available for inspection and only copy those records identified for copying by the requester
- All requestors must agree to pay the reasonable cost of producing the record as provided herein.
- Documents that have not been collected or reviewed within 25 days of notice of the requestor shall be returned to the file or disposed.
- Requestors may not remove or take public records from county offices for purposes of making copies elsewhere or for any other reason.

Charges for Responding to Public Records Requests:

- The Public Records Law provides that persons may obtain public records free or at a minimal cost. Charges for producing documents pursuant to a public records request shall reflect the actual cost of reproducing the record.
- There shall be no fee for public records request made by credential members of the press.
- There shall be no charge for document requests of 5 pages or less.
- For document requests in excess of 5 pages, there shall be a charge starting with page 6.
- Labor costs shall not be charged for document requests.
- Document requests shall use a backward-rolling sixty day calendar in order to avoid piecemeal request and encourage efficiency in the workplace. Once a requestor received his/her "free" five page record he/she will be charged per page for each page produced thereafter on behalf of the requestor within the next sixty days.
- Request for waiver of fees may be made to the County Manager on a case by case basis.
- Copies of records shall not be released until the requestor pays the copying/production cost.
- Fees for certifying copies of public records shall be as provided by law.
- All checks for the services identified herein shall be made payable to Gates County. A return check fee of \$25.00 will be charged on all returned checks.

Confidential or Privileged Documents:

Attached to this memorandum is a list of records from the North Carolina School of Government's publication *Public Records Law for North Carolina Local Governments and 2004 Supplement* that have been excluded from production by statute. Because civil and criminal sanctions may apply for the wrongful production of confidential or privileged information, employees are strongly encouraged to study the attached list or contact the County Attorney to ensure they remain in compliance.

Redacting Protected Information

If a public record contains information that is protected, but the entire record is not protected the protected information should be deleted in a manner that shows that a deletion was made. For example, if the record is a printed record, make a copy of the record, tape over the protected information with white correction tape, then use a black painter pen to completely mark over the tape. The marked up record should then be copied and the new redacted copy made available for inspection and copying. If a primary custodian is providing an electronic copy that includes protected information that must be redacted, the custodian should save the electronic document as a new file name, and from the new file, use the electronic "cut" feature to eliminate the protected text and show in the revised document where text has been "cut". It is the primary custodian's responsibility to ensure that protected information remains protected.

List of Confidential or Privileged Records

Note: The following list merely provides the statutory reference for records that are exempt from the Public Records Act because they are confidential or privileged. Some records are completely exempt from production while others are exempt only under certain circumstances. Employees are strongly encouraged to become familiar with the statutes involving records within their custody. Questions regarding the production of potential confidential or privileged records should be referred to the County Attorney.

Personnel Records

- G.S. 115C-319 to 115C-321 (Public school employees)
- G.S. 115D-27 to 115D-30 (Community college employees)
- G.S. 122C-158 (Area authority employees)
- G.S. 130A-42 (Health department employees)
- G.S. 131E-97.1 (Public hospital employees)
- G.S. 153A-98 (County government employees)
- G.S. 160A-168 (City government employees)
- G.S. 162A-6.1 (Water and sewer authority employees)

Criminal Investigation Records

- G.S. 132-1.4 (Criminal investigation and criminal intelligence records)

Confidential Legal Materials

- G.S. 132-1.1 (Communications from attorney to client regarding litigation)
- G.S. 1A-1, RCP 23(b)(3) (Attorney work product)

Trade Secrets

- G.S. 132-1.2 (Trade secrets)

Settlements

- G.S. 132-1.3 (Settlements of suits brought against governments)
- G.S. 143-318.11 (a)(4) (Settlements discusses in closed session)

Local Tax Records

- G.S. 153A-148.1 (County tax records)
- G.S. 160A-208.1 (City tax records)

Medical and Patient Records

- G.S. 8-53 (Privileged physician-patient records)
- G.S. 122C-52(a) (Area authority client records)
- G.S. 130A-12 (Health department privileged medical records)
- G.S. 131E-97 (Health care facility patient medical and financial records)

Minutes of Closed Sessions

- G.S. 143-318.10(e) (Minutes of closed session)

Geographic Information System Records

G.S. 132-10 (Geographic information system database)

Contract Bid Documents and Construction Diaries

G.S. 133-33 (Contract cost estimates and bidders' list)

Statutes Not Discussed in Other Chapters**Records Concerning Public Employees**

G.S. 114-19.2 (school employee criminal records checks)

G.S. 114-19.3 (medical facility employee criminal records checks)

G.S. 115C-332 (school employment applicant criminal history checks)

Records Containing Private Business Information

G.S. 66-169 (precious metals transactions)

G.S. 95-194 and 95-197 (hazardous chemical information)

Economic Development Information

G.S. 132-6(d) (economic development projects)

Taxpayer Information

G.S. 105-289(e) (taxpayer information from the state Department of Revenue)

G.S. 105-296 (h) (information about business property)

G.S. 115-64.14(f) (information on sales tax refunds)

Medical Information

G.S. 130A-102 (medical information on birth certificates)

G.S. 130A-131.17 (information on birth defects)

G.S. 130A-143 (information on communicable diseases)

G.S. 130A-212 (information about cancer patients)

G.S. 130A-389 (certain autopsies)

Peer Review and Other information about Medical Professionals

G.S. 131E-95 (hospital medical review committees)

G.S. 131E-97.2 (information about persons with practice privileges at public hospitals)

G.S. 131E-97.1(c) (health-care independent contractors)

G.S. 122C-30 (mental health hospital medical review committees)

G.S. 122C-191 (area authority facility medical review committees)

Government Operation in Competition with Others

G.S. 131E-97.3 (competitive health-care information)

G.S. 131E-99 (health-care contracts)

G.S. 159B-38 (joint agency contract discussions)

Student Records

- G.S. 115C-402 (public school student records)
- G.S. 115C-114 (children with special needs)
- G.S. 115C-174.13 (student test scores)
- G.S. 130A-441 (kindergarten student health assessments)

Records about Children

- G.S. 7A-675 (juvenile justice system records)
- G.S. 7A-544 (investigation of child abuse, neglect, or dependency)
- G.S. 48-9-102 (adoption records)
- G.S. 143-578 (child abuse and neglect records)

Social Services Records

- G.S. 108A-80 and 108A-73 (basis social services records)
- G.S.108A-11 (records access by members of board of social services)
- G.S. 110-90.2 (criminal records checks of child day-care providers)
- G.S. 131D-10.3A (criminal records checks of foster parents)
- G.S. 110-139 (child support enforcement records)
- G.S. 131D-2 (information about adult care homes)
- G.S. 131D-27 (violations of rights of residents of adult care homes)
- G.S. 131E-124 (violations of rights of nursing home residents)

Election Records

- G.S. 163-82.4 (certain voter registration information)

Miscellaneous Private Information

- G.S. 125-19 (library records)
- G.S. 62A-9 (telephone numbers held by 911 systems)
- G.S. 159 W-11 (municipal bond registration records)

- Liability for Release of Records Exempted from Public Access
- Constitutional Claims
- Trade Secrets and Medical Records
- Rights under the Exempting Statues