
PUBLIC RECORDS POLICY

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Purpose

The University of North Carolina at Greensboro will be responsive to public records requests while at the same time striving to maintain the confidentiality of certain records as required by law. This policy shall be implemented in accordance with the North Carolina Public Records Act and other applicable federal and state laws. This Policy complies with the North Carolina Attorney General's North Carolina Guide to Open Government and Public Records. See <http://www.enr.state.nc.us/DSWC/pages/Public%20Records-Guides.pdf>.

Scope

This policy applies to all University employees who, in the course of their employment or duties on behalf of the University, have access to public records.

Policy

A. **Public Records Defined**

All records created or received in the course of public business by the University or its employees, in whatever format, including paper, photographs, recordings, computer records and emails, constitute public records, unless an exception applies.

B. **Process for Requesting Public Records**

Persons who seek to access the public records of the University should direct a written request to the University unit, e.g., department or division, from which the particular records are being sought. For example, student record requests should be directed to the office of the Registrar or Student Affairs. Personnel records requests should be directed to Human Resources (SHRA employee records) or the office of the Provost (EHRA employee records). Law enforcement records requests should be directed to the UNCG Police Department. Requests for information with regard to University athletics should be directed to the Athletics Department. If the requestor cannot or will not reduce an oral request to writing, then the records custodian of the unit will reduce the request to writing and will obtain the requestor's agreement to the accuracy of the writing before proceeding further.

C. **Consultation with University Counsel**

Various state and federal laws provide for the confidentiality of certain records. These include, but are not limited to, FERPA, HIPAA, the State Personnel Act and the Public Records Act itself. Therefore, Campus departments and units should consult with the office of University Counsel before responding to public records requests.

D. **Common Record Requests**

Although not an exhaustive listing, the following sets forth general guidelines with regard to the most common types of public records requests where release of University records may be restricted based on other laws, regulations or policies.

1. **Personnel records**

An employee's personnel records are confidential in accordance with the NC Personnel Records Act, except the following information is public about every employee:

- a. name;
- b. age;
- c. date of original employment or appointment to State service;
- d. the terms of any contract by which the employee is employed by the University, past and current, written or oral (to the extent the University has the written contract or a record of the oral contract in its possession);
- e. current position;

- f. current title;
- g. current salary (including pay, benefits, incentives and deferred comp);
- h. date and amount of each increase or decrease in salary with the University;
- i. date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the University;
- j. date and general description of the reasons for each promotion with the University;
- k. date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the University (if the disciplinary action was dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal shall be available); and
- l. office or station to which the employee is currently assigned.

2. **Medical and Counseling Records**

State privilege laws and HIPAA require that medical and counseling records be kept confidential, subject to very few exceptions. (See link to HIPAA policy below).

3. **Student Education Records**

The Family Educational Rights and Privacy Act (FERPA) restricts the information that may be released about students. (See link to FERPA policy below).

4. **Miscellaneous Confidential Records**

- a. patent applications and other documents that contain trade secrets;
- b. certain criminal investigation and law enforcement records;
- c. minutes of closed meetings under the NC Open Meetings Act;
- d. personally identifiable admissions information;
- e. Social Security numbers;
- f. emergency response plans;
- g. public security plans; and
- h. detailed drawings of University buildings and infrastructure.

E. **Duties of Records Custodian of Each Unit**

The custodian of records for each University unit must permit inspection of the requested records as promptly as possible after receiving the public records request. The custodian may also make copies of the requested documents, subject to the provisions on copying costs below. Access to public records may be limited to reasonable times during regular business hours and under reasonable supervision. The custodian must separate out or redact any confidential information from otherwise accessible public records prior to public inspection of requested records.

F. **Costs for Copies, Materials and Mailing and Special Service Fee for Extensive Requests**

1. **Standard Requests (fewer than four hours)**

If the request for public records will take fewer than four hours for an employee to respond to, then the University will charge only for the actual costs of making copies (\$.05 per page), actual cost of any materials used (such as DVD's) and actual cost of mailing. Generally, the University will not charge for the costs of making copies, materials used or mailing unless they total twenty five dollars (\$25.00) or more.

2. **Extensive Requests (more than four hours)**

The University considers four (4) or more hours of information technology, clerical or supervisory employee time as constituting extensive assistance. If responding to the request will involve extensive assistance, the University may charge a special service fee (based upon the hourly rate of pay of the employee(s) who will respond to the request, rounded to the next whole dollar)(1) . The special service fee shall be based on the actual hours of labor required to respond to the request above and beyond the first four (4) hours (which remain free). In addition, the University may charge for actual copying (\$.05 per page), actual cost of any materials used (such as DVD's) and actual cost of mailing which costs total more than twenty-five dollars (\$25.00).

The custodian shall estimate the total cost of responding to such extensive requests in writing prior to making the documents and/or information available for inspection and allow the requestor the option of either agreeing in writing to pay the total cost or revising the request to narrow its nature or scope. If the agreed upon estimate turns out to be higher than the actual labor, mailing, materials and copying costs, then the University shall thereafter reduce the charge to the requestor. If, part way into the document retrieval process, it becomes evident to the custodian that the original estimate was too low, the records custodian will suspend the process and ask the requestor whether the process should continue at a new and higher agreed estimated total cost or whether the process should cease, in which case the requestor will pay for and receive only the documents and/or information that have been retrieved to that point. If the University, in reliance upon the requestor's agreement to pay the total estimated cost, retrieves the requested documents and/or information, but the requestor thereafter refuses to pay the agreed upon amount, then the

University may withhold the documents and/or information until payment is received.

Multiple requests within a short period of time from the same individual or the same organization will be considered a single request for purposes of determining whether and how much to charge.

1. With regard to salaried employees, the "hourly rate of pay" is arrived at by using the industry wide standard of 2080 work hours in one work year, which is divided into the annual rate of pay for each employee.

Enforcement

Any violation of this policy by faculty or staff may be considered "misconduct" under EHRA policies (faculty and EHRA non-faculty) and "unacceptable personal conduct" under SHRA policies, including any appeal rights stated therein. Violations of law may also be referred for criminal or civil prosecution.

Review

The Office of University Counsel will periodically review this policy as necessary.
