

Public Records & Request Policy

Definitions

A “Record” is defined as any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data-processing record, artifact, or other documentary material.

A “Public Record” is any record, regardless of physical form or characteristic, made or received pursuant to law or ordinance in connection with the transaction of public business by Central Carolina Community College, its employees, and its Board of Trustees (collectively referred to as the “College”). A Public Record is deemed such as a result of its content and not of its location; personal records generated using or stored on public resources are not Public Records, while public records generated using or stored on personal resources are Public Records.

A “Public Record Request” is a request, written or otherwise, to examine or obtain copies of public records. A Public Record Request may be made by any person, whether citizen or non-citizen, individual or corporate.

The “Custodian” of a public record shall be the public official in charge of an office having said public record.

The “Public Information Officer” shall be the Associate Vice-President of Marketing & External Relations, who shall be responsible for managing all Public Record Requests and related matters.

A “Personnel File” consists of any information gathered by the board of trustees which employs an individual, previously employed an individual, or considered an individual's application for employment, and which information relates to the individual's application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment wherever located or in whatever form.

Public Record Requests

Any person making a Public Record Request must do so by contacting the Public Information Officer through mail, phone, or email. If a request is sent to an employee other than the Public Information Officer, that employee shall immediately contact their department manager, who shall then immediately contact the Public Information Officer. The Public Information Officer will be responsible for determining the Custodian of the requested records and for coordinating between the requestor and the Custodian of the requested records. The requestor is not required to disclose the purpose or motive for the request.

All Public Record Requests shall specify, if applicable, the record requested, the medium or media in which the record is to be presented to the requestor, whether the record should be certified or uncertified, and where to send the media containing the record. Procedures for Public Record Requests shall be established by the Public Information Officer, who shall also establish a fee schedule for Public Record Request services.

All Public Record Requests for inspection or examination of a public record will be scheduled at a reasonable time and under reasonable supervision by the record's Custodian or any other individual deemed appropriate by the Public Information Officer.

All Public Record Requests for copies of a public record will be managed by the Public Information Officer, who shall respond to all requests promptly after consultation with the Custodian, senior College administration officials, the Board of Trustees, and the College's attorney, as determined by the Public Information Officer, with either an acknowledgment or a denial. An acknowledgment will include the estimated cost for the resolution of the request in collaboration with the relevant Custodian(s). The acknowledgment will be communicated to the requestor within two weeks of the Public Information Officer receiving the request. If the requestor accepts the estimated cost, the request will be processed within a reasonable timeframe. Once processed, a final invoice will be issued to the requestor, and the results of the Public Records Request will be provided to the requestor upon receipt of payment. A denial will be accompanied with a detailed justification of the basis for the denial.

Public Record Requests for documents containing commingled confidential and nonconfidential information shall be separated or redacted if necessary, at no charge to the requestor. Drafts of a document shall also be eligible for request if a finalized version has not yet been produced.

Public Record Requests for a record that is available online in a format that allows a person to view the public record and print or save the public record to obtain a copy shall be denied. This provision includes public records in a computer database made individually available online. The College shall not be compelled to create or compile a record or a database that does not exist. The College shall not be compelled to put any record into an electronic medium that is not kept in electronic medium. The College shall not be compelled to produce a record in a medium that it is not capable of providing. The College shall not be compelled to produce copies or allow inspections or examinations outside of the College's normal business hours.

Public Record Exceptions

The following records are excluded from being designated a Public Record:

- Written communications, and copies thereof, made within the scope of the attorney-client relationship by any attorney-at-law serving the College. Any such communication may be made public by the Board of Trustees, and any such communication shall become public three years after the date that the College has received said communication.
- Tax information
- The actual address and telephone number of a program participant in the Address Confidentiality Program
- Controlled Substances Reporting System information
- Records which contain personally identifiable information from or about an applicant for admission. Letters of recommendation or any record of a communication from an elected official concerning an applicant for admissions who has not enrolled as a student shall not be subject to this exception.
- Proprietary computer code written by and for use by the College
- Trade secrets
- Emergency response plans and the records related to the planning and development of these emergency response plans
- Records containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities

- Trial preparation materials
- Social security numbers
- Names or other information about persons applying for or receiving public assistance or other social services
- Records that identifies a person as having requested or obtained specific materials, information, or services from the library
- Informal construction bids until the contract for which the bids have been solicited has been awarded
- Minutes or general accounts of any closed session if public inspection would frustrate the purpose of a closed session
- Personal identifying information, including:
 - Social security or employer taxpayer identification numbers
 - Driver's license, State identification card, or passport numbers
 - Checking account numbers
 - Savings account numbers
 - Credit card numbers
 - Debit card numbers
 - Personal Identification (PIN) Code
 - Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names
 - Digital signatures
 - Any other numbers or information that can be used to access a person's financial resources
 - Biometric data
 - Fingerprints
 - Passwords
 - Parent's legal surname prior to marriage
- Any other exceptions as defined under *NCGS §132-1 et seq.*, as amended

Where applicable and feasible, any Public Record request that includes a record or records that are excepted from the public record categorization for any of the above reasons shall have the excepted information redacted in order to fulfill the Public Record Request.

Special Rules Regarding Personnel Files

Personnel Files are explicitly exempted from the inspection and examination authorization under *NCGS §132*. Instead, a Public Record will be maintained of each employee showing the following information with respect to each employee:

1. Name
2. Age
3. Date of original employment or appointment
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession
5. Current position

6. Title
7. Current salary, which includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid
8. Date and amount of each increase or decrease in salary
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification
10. Date and general description of the reasons for each promotion
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons
 - a. If the disciplinary action was a dismissal, a copy of the written notice of the final decisions of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal must be included
12. The office or station to which the employee is currently assigned

All other information contained in a Personnel File is considered confidential information and is not considered a Public Record. Notwithstanding this, Personnel Files may be inspected and examined by:

1. The employee, applicant for employment, former employee, or his or her properly authorized agent, who may examine his or her own Personnel File at all reasonable times in its entirety except for letters of reference solicited prior to employment
2. The president and other supervisory personnel
3. Members of the Board of Trustees and the Board's attorney
4. A party by authority of a subpoena or proper court order, limited to the extent specified in the subpoena or proper court order
5. An official of an agency of the federal government, State government or any political subdivision thereof when the inspection of the Personnel File is deemed necessary and essential to the pursuance of a proper function of said agency, so long as said proper function does not include assisting in a criminal prosecutor or for assisting in a tax investigation

Destruction & Disposition of Public Records

No employee or official of the College shall destroy, sell, loan, or otherwise dispose of any public record, without the consent of the Department of Natural and Cultural Resources. Employees or officials of the College may destroy public records in conformity with the most recent Records Retention & Disposition Schedule issued by the North Carolina Department of Natural and Cultural Resources and the North Carolina Community College System.

At the end of employment or the expiration of the term of office for any Custodian, said Custodian shall deliver all records to the Custodian's successor or, if there be none, to the Department of Natural and Cultural Resources.

Fees

Fees for Public Record Requests will be computed annually as a fee schedule on a cost basis by the Public Information Officer in conformance with *NCGS §132-6.2*. The fee schedule will be posted online.

References: NCGS §132, NCGS §115D-17 through §115D-30 (Personnel Records), NCGS §105-259 (Tax Information), NCGS §15C (Address Confidentiality Program), NCGS §90-113.70 through §90-113.79 (Controlled Substances Reporting System), NCGS §66-152(2) through §66-152(3) (Trade Secrets), NCGS

§108A-80 (Public Assistance or Social Services), NCGS §125-19 (Library Information), NCGS §143-131 (Informal Construction Bids), NCGS 143-318.10(c) (Closed Sessions), NCGS §14-113.8(6) (PIN Codes), as amended.

Procedure Recommendations

Preferred Submission of a Public Record Request

It is the College’s policy to request that all requests be in writing and submitted to the Public Information Officer in order for the College to provide clarity as to the scope of the request and to create appropriate documentation for monitoring, time, and cost. If a request is broadly worded, the College may confer with the requestor to try to better understand the particular records the requestor is seeking. Narrowing a request will limit the expenditure of College resources, may help to avoid any unnecessary costs, and may permit the College to respond in a shorter time period.

Requestors may submit requests via electronic form, by mail or special carrier (UPS, FedEx, etc.), or by email. Requests should include the requestor’s full name, phone number, email address, organization’s name (if applicable), and a description of the public records sought, being as specific as possible.

Framework for Determining Records to Release

1. Does a record exist that corresponds to the request? If not, no disclosure is required. If so, continue to question 2.
2. Is the record “made or received in the transaction of public business”? If not, no disclosure is required. If so, continue to question 3.
3. Is there an exception that applies? If not, the requested access must be provided. If so, continue to question 4.
4. Does the exception apply to the entire record or only to certain information, and does it prohibit disclosure or deny right of access? If a prohibition applies to the entire record, do not disclose; if it applies only to certain information, redact and disclose. If there is no right of access to some or all of the information, but release is not prohibited, determine whether or not to release the entire or a redacted record.

Fee Schedule

Service	Fee
Inspection & Examination	Free
Redaction & Separation of Commingled Information	Free
Paper Copy	\$0.25 per page
Digital Copy	Exact cost of devices or media containing the information; free if sending files via email or hosting them in the cloud for download
IT Surcharge	Hourly wage of lowest level employee capable of performing required IT work
Clerical & Supervisory Assistance Surcharge	Hourly wage of lowest level employee capable of performing required clerical or supervisory work
Mailing	Actual cost of mailing materials

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