



Procedure 4.4: Production of Public Records for Inspection and Charge for Copies of Public Records

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I. PURPOSE

The Alabama Open Records Act, ALA. CODE §36-12-40-46 (amended April 24, 2024), grants Alabama citizens the right to inspect public records. In conformance with this Alabama A&M University procedure, public records may be inspected, pursuant to the expenses as outlined below. Alabama A&M University charges reasonable fees to supply copies of public records as outlined in this procedure.

II. DEFINITIONS

1. "Labor" means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
2. "Production costs" means all reasonable costs the university incurred to produce the public records requested by the requesting party. Production costs include copying costs, labor costs, and delivery costs, as described in this procedure.
3. "Public record" means any record of university that is required to be open to inspection under the provisions of Alabama law and United States law. The Office of General Counsel reserves the right to determine if an exclusion exists under state or federal law and whether the exclusion applies to the requested documents.
4. "Public Records Designee or PRD/GENERAL COUNSEL" means the university employee who receives and coordinates public records requests and maintains documentation of public records requests, responses, and charges. The PRD/GENERAL COUNSEL shall be the University General Counsel.
5. "Custodian" means the university employee who has access to the requested records and can provide them to the PRD/GENERAL COUNSEL.

6. "Requesting party" or "Requestor" means the person or business entity requesting to inspect and/or copy public records. Individual requestors must provide proof of Alabama citizenship by submission of official proof of U.S. Citizenship and official proof Alabama residency prior to inspecting and/or receiving copies of public records at the University. The following documents shall constitute proof of U.S. Citizenship: (1) official birth certificate confirming birth in the U.S. or a U.S. Territory; (2) official U.S. Passport certifying citizenship; or (3) official Social Security Card. An official government issued photo ID listing an Alabama residency. Business requestors must provide official proof of the company's current registration with the Alabama Secretary of State's Office as an official business entity in the state. In the case of individuals who are not residents of Alabama and businesses that are not registered with the Alabama Secretary State's Office, proof of identification and/or registration of the entity is required prior to release of information.

III. OPEN RECORDS REQUESTS – PROCESS FOR REQUESTING PARTY

The Requesting Party seeking the production of documents pursuant to an Open Records Request shall complete the Open Records Request Form which can be accessed from the Office of General Counsel page on the Alabama A&M University website or utilizing the link below.

<https://portal.laserfiche.com/l4573/forms/open-records-request-form?customerid=882125364>

The form shall be electronically forwarded to the OGC upon submission. A Requesting Party seeking to submit a request via email shall be directed to complete the Open Records Request Form.

IV. PRODUCTION OF PUBLIC RECORDS

The PRD/GENERAL COUNSEL or his/her designee shall make available for inspection any public record not specifically exempt from disclosure as soon as possible, with an acknowledgement within ten (10) business day. Requests are categorized as standard or time-intensive and defined as follows:

1. **Standard Request:** seeks one or more specifically and discretely defined public records that the Custodian determines would take less than eight hours to process, including time needed to identify/retrieve records and redact protected information.
 - a. All standard requests must be acknowledged in 10 business days.
 - b. A standard request should be filled or denied within 15 days or can be extended in 15 day increments for up to 30 days.
2. **Time-Intensive Request:** a public records request that the Custodian determines would take more than eight hours of staff time to process.

- a. Time-intensive requests must be acknowledged in 10 business days.
- b. A requester must be notified that a request is time-intensive within 15 days after acknowledgement. A time-intensive request should be filled or denied within 45 days or can be extended in 45 day increments for up to 270 days.

The following personally identifiable information contained in any records subject to public access via inspection and/or copying pursuant to this procedure shall be redacted prior to disclosure: home and/or cellular telephone numbers; home address; bank account information; social security number; driver license information except where driving or operating a vehicle is part of an employee's job description or job duties or incidental to the performance of the employee's job; and the same information of family members or household.

The PRD/GENERAL COUNSEL or his/her designee shall implement the following internal process upon receiving a request:

1. General Counsel Office (OGC) receives request
2. OGC sends to open records custodian
3. OGC responds to requestor to acknowledge the request, if printing required OGC informs requestor of fee
4. Open records custodian responds to OGC to acknowledge request within 48 business hours, include:
 - a. Determination if request is standard or time sensitive
 - i. If standard, then move to step 4b
 - ii. If time sensitive, determine number of hours needed to fulfill request, OGC will then provide requestor with proposed fee amount to fulfill request
 - b. Timeline for providing records to OGC, must be within 10 business days
5. OGC follows up with open records custodian to meet deadlines
 - a. If additional time is needed to fulfill request, OGC follows up with requestor to negotiate additional time
6. Open records custodian provides records
7. OGC reviews records to:
 - a. Ensure redactions are not needed
 - b. Flag any potential media noteworthy stories
 - i. Obtain facts and develop talking points
8. OGC sends records to requestor

V. COPYING COSTS

1. Hard Copy Charges The charge for copies of public records by photographic or other means is as follows:

- i. Black and White Copies – \$1.50 per page

- ii. Color Copies - \$2.00 per page

The schedule sets a per page fee for copying that does not include labor charges as described below.

2. Electronic Copy Charges

- i. Actual cost of the USB drive on which the electronic records are saved/stored to provide to the requestor. Production of requests for electronic copies of public records will be processed by provision of the requested electronic records on a standalone USB drive. The university will not produce electronic copies of public records via electronic mail transmission.

- ii. If the requested records exist electronically, but not in the format requested or a new or modified computer program or application is necessary to put the records in a readable and reproducible format or it is necessary to access backup files, the PRD/GENERAL COUNSEL shall charge the requesting party the actual costs incurred in producing the records in the format requested or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format or in accessing backup files. Electronic records will be produced only in a read-only format.

IV. LABOR COSTS The PRD/GENERAL COUNSEL may charge the requesting party the hourly wage of the employee(s) reasonably necessary to produce copies of the requested records. The "hourly wage" is based upon the employee(s) base salary and does not include benefits. In calculating the labor costs to be charged to the requesting party, the PRD/GENERAL COUNSEL shall:

1. First, determine the number of hours each employee spent producing the requested public records.
2. Second, subtract a one (1) hour threshold from the number of hours the highest paid employee spent producing the request.
3. Third, multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage; and
4. Fourth, add together the totals for all the employees involved in the request to determine the total amount of the labor costs to be charged to the requesting party.

VI. PAYMENT

If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:

1. The PRD/GENERAL COUNSEL shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
2. The PRD/GENERAL COUNSEL may require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
3. Production costs must be paid by cash, money order, or cashier's check. Cash payments must be for the exact amount of the publication costs.
4. The university business office will provide a receipt to the requesting party upon receipt of payment of the production costs.

VII. WAIVER OF PRODUCTION COSTS

The PRD/GENERAL COUNSEL is authorized in its discretion to waive payment for providing copies of public records on a case to case basis, subject to the approval of the President.

VIII. REQUESTS FOR COPIES FOLLOWING INSPECTION

The PRD/GENERAL COUNSEL shall not assess a charge to inspect public records, unless otherwise required by law. However, if the requesting party, after requesting to inspect public records, requests copies of public records, the PRD/GENERAL COUNSEL shall charge the requesting party for all production costs.

AUTHORITY: Alabama Open Records Act, ALA. CODE §36-16, et. seq.