



**COUNTY BOARD OF HEALTH  
POLICY # HR-09002  
PUBLIC RECORDS/OPEN RECORDS POLICY**

Approval:		11-21-23
	District Health Director	Date

**1.0 PURPOSE**

This policy is intended to ensure that Georgia Department of Public Health, District 2 responds to all requests under Georgia's Open Records Act in a timely and lawful manner. Full compliance with the Open Records Act is necessary to preserve the public's trust in the Department.

**2.0 AUTHORITY**

This policy is published under the authority of the District Health Director and in compliance with the Georgia Open Records Act, O.C.G.A §§ 50-18-70 through -77.

**3.0 SCOPE**

This policy applies to all employees of the CBOHs throughout District 2 and to persons or entities under contract to the District that create or hold documents on the benefit of DPH.

**4.0 POLICY**

All public records must be made available for public inspection upon request in accordance with Georgia's Open Records Act.

**5.0 DEFINITIONS**

**5.1 DPH** – Department of Public Health

**5.2 DHD** – District Health Director

**5.3 HR** – Human Resources

**5.4 CHOH** – County Board of Health

**5.5 Public Records** - are defined by O.C.G.A Section 50-18-70 as documents, papers, letters, maps, books, tapes, photographs, computer based or generated information or similar material prepared and maintained or received in the course of the operation of a public office or agency. Public records also include such items received or maintained by a private person, firm, corporation or other private entity in the performance of a service or function for or on behalf of DPH shall be subject to disclosure to the same extent that such records would be subject to disclosure if received or maintained by DPH.

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## **6.0 RESPONSIBILITIES**

- 6.1** The HR department will serve as the Open Records Act Officer for District 2, but each County BOH will assign a Custodian of Records that may assist in identifying, locating, reviewing and copying responsive documents to answer a request. HR will be able to assist all requests for public records, prepare written responses and coordinate the search for responsive documents and the copying and forwarding of copies to the requesting party, if the information is not available to the Custodian of Records in the county.
- 6.2** Because time is of the essence in responding to an Open Records Act request, any DPH employee who receives an Open Records Act request or who is asked to assist in responding to a request shall act immediately.
- 6.2.1** All DPH employees should bear in mind that a valid request for public records may be written or oral. An Open Records Act request may be made by email, U.S. mail, facsimile, hand delivery, in person or over the telephone.
- 6.2.2** Any person may inspect and copy public records for any reason. No one is required to give a reason for an Open Records Act request.

## **7.0 PROCEDURES**

### **7.1 Receipt of Request**

- 7.1.1** Upon receipt of a request, the DPH employee receiving the request shall immediately forward a copy of the request to the HR office, if the information being requested is not readily available to the local Custodian of Records, preferably the same day that it is received but no later than the next day after it is received.
- 7.1.2** The HR department will be responsible for locating, compiling, copying, and arranging for delivery of the requested documents, if not readily available in the County the request was received.

### **7.2 Preparation of Response**

- 7.2.1** The HR department or Custodian of Records shall make a written response to the requesting party within three business days after the request is received.
- 7.2.1.1** If responsive records exist and are readily available, those records shall be made available for inspection or copying within three business days after the receipt of the request.
- 7.2.1.2** If records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided to the requesting party within that time.

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**7.2.2** If access to a record is denied in whole or part, HR shall specify in the written response the applicable legal authority exempting such records from disclosure.

**7.2.3** The written response shall include a reasonable estimate of the time needed to identify, locate, and produce or copy the documents request, as well as an estimate of any fees that may be charged under the Open Records Act.

**7.2.4** If an error or omission is made in identifying an exception, DPH may make a one-time only addition or amendment to the original response, as soon as practicable after discovering the error or omission.

### **7.3 Cost and Charges**

**7.3.1** A fee will be charged for the administrative time that it takes to gather the necessary data. The charge may not exceed the salary of the lowest paid full-time employee who has the necessary skills and training to prepare the requested records. The first fifteen minutes will not be subject to this charge.

**7.3.2** Records will be provided by the most economical means available. Whenever practicable, records will be provided electronically. To be practicable, the requester must be agreeable to the format and the records must be subject to reasonable security restrictions, so that no confidential or non-requested records are accessible.

**7.3.3** Where information is maintained on a computer system, DPH will charge only for the actual cost of a computer disk or tape onto which the information is loaded and for the administrative time necessary to retrieve the information and provide the downloading. Where records may be provided electronically, email would be the preferable means of delivery, in order to expedite delivery to the requester and to minimize costs.

**7.3.4** DPH will charge \$0.10 per page for paper copies of records.

**7.3.5** If the estimated cost of responding to the request exceeds \$500, then the requested documents shall not be copied or released until the costs are paid by the requesting party.

**7.3.6** The HR department will prepare an invoice that will identify costs associated with the request. Upon receipt of payment, the HR department will issue a receipt and transmit the records to the requestor. A copy of the receipt and the invoice will be sent to the Finance department along with the check or money order used for payment.

**7.3.7** DPH will accept a cashier's check, cash or money order as payment. Counter checks, credit cards and debit cards will not be accepted. DPH retains the discretion to decline or accept personal checks.

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#### **7.4 Categories of Exceptions**

There are several categories of records that are exempt from the Open Records Act. However, no document shall be withheld from disclosure, in whole or part, without first obtaining the express approval from the District Health Director

**7.4.1** The following documents, or information contained with documents, shall not be disclosed in connection with an Open Records Act request:

**7.4.1.1** Medical records, the disclosure of which would be an invasion of personal privacy;

**7.4.1.2** An individual's social security number, credit or debit card information, bank or utility account numbers, financial data or information, insurance or medical information;

**7.4.1.3** A living individual's birthday and month, and mother's birth name;

**7.4.1.4** "Protected health information" as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA);

**7.4.1.5** Records prepared in connection with a prosecution or investigation by the DPH Office of Inspector General or any state or federal law enforcement, prosecutorial, or regulatory agency, if that prosecution or investigation is pending at the time the request is received;

**7.4.1.6** Computer programs or software used or maintained in the course of operation of DPH.

**7.4.2** Creation of Special Reports

The Open Records Act does not require DPH to prepare reports, summaries, or compilations of information not already in existence when the Open Records Act request is received. However, electronic data or data fields shall be produced in the form of a report, summary, or compilation if such reports can be executed using commands or instructions to existing computer programs that DPH uses in the ordinary course of its business to access, support or otherwise manage the data.

#### **7.5 Request for Production of Documents and Subpoenas**

Request for Production of Documents and subpoenas are made by a party to a lawsuit, and they are subject to different deadlines and procedures. They are not governed by the Open Records Act. A "Request for Production of Documents" or subpoena should be forwarded immediately to the CBOH attorney for review and response.

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## **7.6 Compliance Monitoring**

Deficiencies in compliance by DPH staff will be addressed through targeted training and reinforcement of policy as needed. Willful noncompliance with the law or policy may be sanctioned by disciplinary action, up to and including termination of employment.

## **8.0 DESTRUCTION OF DOCUMENTS**

**8.1** DPH employees shall not destroy or cause public records to be placed in the hands of a private person or entity for the purpose of avoiding disclosure under the Open Records Act.

**8.2** DPH documents shall be destroyed according to the State's approved document retention schedule.

## **9.0 REVISION HISTORY**

<b>REVISION #</b>	<b>REVISION DATE</b>	<b>REVISION COMMENTS</b>
0	11/15/2023	Initial issue

## **10.0 RESOURCES**

*Open Records Request Form*



District 2 Department of Public Health

Open Records Request Form

Requester's Name: \_\_\_\_\_ Telephone # \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Identify Requested Record(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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To be completed by District 2 Human Resources

Date and Time Received: \_\_\_\_\_

Name of D2DPH official responding: \_\_\_\_\_

Determination: \_\_\_\_ Record(s) subject to disclosure \_\_\_\_ Record(s) **not** subject to disclosure

Number of Documents provided: \_\_\_\_\_

Total hours to produce the Records: \_\_\_\_\_

Number of copies provided: \_\_\_\_\_

Total Cost: \_\_\_\_\_

Additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_