

Rockingham County Public Records Policy

February 2023

Section 1. Public Records Defined

Public Records and public information made or received pursuant to law or ordinance in connection with the transaction of public business by the departments of Rockingham County (“County”) are the property of the people. The statutes that define the scope of public records are contained in [Chapter 132 of the North Carolina General Statutes](#). The purpose of this Policy is to provide a guide to be followed by the County in managing these requests and in levying charges in accordance with North Carolina law.

Section 2. The Public Records Request Process

(a) Submitting a Public Records Request

Requests for records can be submitted in writing or by email.

When making a records request, it is recommended the request contain the following information:

- (1) The date of the request
- (2) The name of the requester
- (3) The telephone number or email address of the requester
- (4) A complete description of the requested record. Be specific about what you’re looking for. Include names and dates, if known. You may be asked to clarify your request.

In general, records will be dispensed to the requester via email unless another format is requested. If a thumb drive is requested it must be paid for in advance. In some cases, records may be released in batches or via a private download link. In any case where another method of delivery is required by the County, the requester will be contacted by Staff to advise them of necessary steps to receive the records.

(b) Creation of Public Records

In accordance with N.C. Gen. Stat. [§ 132-6.2\(e\)](#), it is the County’s policy that it does not, in response to requests for public records, create or compile records that do not exist.

(c) Submitting a Request for Emails

To assist County Staff in efficiently fulfilling requests for email records, the requester should provide, at a minimum: a time period for the request, keywords or other topic information, the names of the persons, County staff or Commissioners associated with the emails sought, and whether the requester is seeking emails sent by the public, or only emails between staff and/or Commissioners.

Due to the voluminous nature of some email requests, Staff may ask the requester if they would like to narrow the search to expedite fulfillment.

Exceptionally large or complex requests may be subject to the Special Service Charges as outlined in Section 3.

(d) Requests for Personnel Records

Per N.C. Gen. Stat. [§ 160A-168](#), only the following information is available for personnel records:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to the service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with the county.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the county.
- (10) Date and general description of the reasons for each promotion with the county.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office to which the employee is currently assigned.

(e) What to Expect After a Request is Made

Upon successful completion of the public record request and receipt of any payment due, the County

Depending upon the nature of request, the County may respond initially by:

- Producing the record
- Denying the request, citing the basis for denial
- Requesting clarification of the request
- Notifying the requester that their request is subject to a Special Service Charge

Public records requests are not on-going. In the event additional records are created after the date of the requester's original public records request, the requester will need to submit a new request for those records.

If the requester specifies a format in which the records should be disclosed, the County will disclose the records in the requested format if:

- It is determined that the requested non-exempt public records exist;
- The County is capable of providing the records in the format requested;
- The format requested is reasonable; and
- The requester pays all of the applicable fees in advance in good funds.

The County's response to the request will be considered complete and final upon:

- Requester's inspection of the records;
- Upon notification to the requester that the photocopies requested and paid for in advance are available for pick-up;
- Records are sent electronically; or
- A denial of the request.

Time to compile records vary based on multiple factors including, but not limited to:

- Number and size of the documents requested
- Whether materials unsuited to release are involved
- Availability of staff and resources
- Complexity to compile requested documents
- If legal review and redaction is necessary

Your request will be handled in the order of which it is received and will be made available as promptly as reasonably possible in accordance with state law.

Section 3. Special Service Charge

In most cases, public records are easily retrievable and provided electronically via email at no cost to the County or requestor. Pursuant to NCGS 132-6.2(b), a special service charge can be applied "if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of

information technology resources than that established by the agency for reproduction of the volume of information requested ...” The special service charge “shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency” (NCGS 132-6.2(b)). This fee is in addition to any time required to identify and redact confidential information or for other legal review.

The special service charge, if applicable, shall be \$28.00/hour. This rate approximates the hourly rate of pay plus fringe benefits for the position of Administrative Assistant (Grade 64) in the County’s pay schedule (effective July 1, 2022). This charge may be amended yearly to reflect changes in compensation for this pay grade.

A special service charge may be triggered when the above requirements have been met and are reasonably estimated to require more than one (1) hour of compilation time by staff. The County Manager (or his/her designee) will approve or reject the special service charge. The requester will then be made aware of the charge before the County proceeds with the request. If the requester wishes to continue, after then the staff member responsible for compiling the request will log their time spent compiling.

The County Manager’s Office will provide the requestor with a written estimate for the special service charge. The requestor will be granted the opportunity to narrow the scope of the request to reduce or avoid the service charge.

Before proceeding with a request with a special service charge, the requester must make the appropriate advance payment. Acceptable payment options are Check, Cash, and Money Order. Checks should be made payable to Rockingham County. After payment has been received, documents will be compiled and prepared in the format requested.

(a) Payment of Required Fees in Advance

Payment for duplication and delivery fees will be made prior to the release of public records. When required, the payment of a deposit will be made prior to the duplication of any records (see the Fee Section above). All payments will be made by cash, or check payable to Rockingham County. Payment may be mailed or made in person to the County Manager’s Office on the fourth floor of the County Office Building.

(b) Failure to Pay Required Fees in Advance

The County may require advance payment for any public records requests of the full amount of the estimated fees before the agency begins to process a new request or a pending request from that requester.

In the event a requester fails to pay the estimated fees in advance, the County will defer processing the pending request or any new request from the requester.

(c) Date of Applicability

Special service fees may be retroactively applied to any open public records request submitted on, or after, April 1, 2022.