

Policy Number P-2025-03-01 Superseding P-2019-10-02	Title Public Record Request Policy	
Adopted March 27, 2025	Adopted by Village Council	Number of Pages 3

PURPOSE

The purpose of the Public Record Request Policy is to facilitate the effective and efficient completion of public record requests, as required by the North Carolina General Statutes. This policy will regulate the submission, processing, and fulfillment of public record requests. This policy will enable officials, hereby defined as council, staff, and board members, to ensure that completed record requests are reviewed, and any necessary redactions are completed.

SCOPE

This policy applies to all who submit a public record request, as well as officials of the Village of Marvin subject to or those officials involved in the fulfillment of a public record request.

POLICY

I. Submission and Intake of Requests

1. All Public Record Requests shall be directed to the Clerk’s Office. The Clerk’s Office (including the Clerk or designee) may ask the requester to submit their requests in writing, or in accordance with the request form provided by the Village. The Village of Marvin’s Public Record Request Form shall include fields to acquire the following information from the requester:
 - a. Submission date.
 - b. First and last name (or designated named contact of the requesting entity).
 - c. Email address.
 - d. Phone number.
 - e. Mailing address.
 - f. A description of the records with sufficient detail to enable the Village Clerk to identify the requested records, including but not limited to:
 - i. Custodian of the record.
 - ii. Name or title of the record.
 - iii. Date or date range of the record(s).
 - g. Whether the requester is seeking a copy or seeking to inspect the record.
 - h. If the requester is seeking a copy, what format is the record being requested, printed or electronic. Persons requesting copies of the public records may elect to obtain them in any medium in which the Village maintains the records. The available formats may be limited for records that require the redaction of confidential information.

2. The Clerk’s Office should acknowledge receipt of a request as promptly as possible and record the request within the Village’s Public Record Request Inventory (an internal tracking sheet). This inventory includes general information such as: requester number, submission date, name of requester, records sought, date range of records, keywords/search terms (if applicable), special service charges and copying fees, status of request, and completion date.

3. If the Clerk's Office finds a request to be ambiguous, overly broad, or likely to require more than four (4) hours of staff time to fulfill, the Clerk's Office shall contact the requester and attempt to clarify or revise the request. A revised request limits the expenditure of Village resources, may help to avoid a special service charge, and permits the Village to respond to the request in a shorter timeframe. Requests estimated to require more than four (4) hours of staff time will usually be transferred to the Village's IT contract for completion. *(See Section II regarding Special Service Charges)*
4. In making an initial response to a public record request, it is important the Clerk's Office understands and communicates the following as needed:
 - a. The Village is not required to create a new record to fulfill a record request.
 - b. The Village is not required to provide records in a format that is not currently utilized by the Village.
 - c. Village employees are not required to work on requests past normal working hours.
5. If a request is not revised, remains ambiguous, overly broad, or is likely to require more than four (4) hours of staff time to fulfill, the Clerk's Office shall contact the requester with an estimate of the IT costs that the requester will likely incur in the fulfillment of the request. *(See Section II regarding Special Service Charges)*
6. If the total estimated charge is greater than \$25 the Clerk's Office shall ask the requester to pay a deposit of 50 percent of the estimated charges before the Village begins work on the request. The requester shall pay the remaining balance prior to the Village releasing the records. If for any reason the final charge is less than the amount of the deposit, the Village shall return the remainder to the requester.
7. Should the requester fail to clarify or narrow the request or fail to address the required deposit / pending charges within two weeks of notification, the Clerk's Office will close the request and update the Public Record Request Inventory accordingly.

II. Special Service Charges

Pursuant to North Carolina Statute §132-6.2, an agency may charge a special service charge for any request that requires extensive use of information technology or extensive clerical or supervisory assistance by personnel of the agency. The following apply to charges:

1. Staff time spent searching for, locating, collecting, sorting, copying and preparing the records to be produced will count towards the four (4) hour threshold. The special service charge shall be in addition to any copying fees.
2. Multiple requests within a short period of time from the same individual or organization relating to a similar topic will be considered a single request for purposes of determining whether to charge under this section.
3. The special service charge for information technology shall include any separate charge by any third-party information technology vendor.

4. Special service charges shall not be greater than the actual costs incurred.
5. Time spent separating confidential from non-confidential information shall not be considered in calculating the time it takes to respond to a request.

III. Processing and Delivering Records

1. The Clerk's Office will process record requests primarily in the order received, unless a later request can be completed without inhibiting the completion of a prior request.
2. The Village charges a reasonable per copy fee of the actual cost to the Village for printed and color copies in accordance with the Village's Fee Schedule.
3. Electronic records shall be sent via email or by download link (ex. Google Drive) when possible. Otherwise, electronic records shall be produced on a flash drive (or similar electronic storage device) provided by the Village. The Village shall charge the actual cost of the flash drive, no matter the amount of data stored on it. The Village shall only charge the cost of multiple flash drives if the total gigabytes of the requested files exceed the maximum gigabytes on a single flash drive.
4. Upon the compilation, review and redaction of all requested records, the Clerk's Office shall prepare an invoice for any remaining costs, including printing and/or special service charges. All documents will be released when the invoice has been paid in full.
5. If anyone requesting public information is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the State Chief Information Officer or his designee to mediate the dispute.

NOTE: This policy is intended to improve and streamline the process for responding to public record requests. Each request should be evaluated on a case-by-case basis, as circumstances may vary. Village Staff should consult with Village Attorney as needed.