

CHEROKEE COUNTY PUBLIC RECORDS POLICY

Cherokee County in the execution of its duty to comply with North Carolina Public Records law, and in keeping with its duties to the taxpayers of Cherokee County as stewards of county resources, does hereby establish the following policy in responding to public records requests:

1. Public records shall be defined under North Carolina General Statute Chapter (herein after "NCGS") 132-1.
2. Creation of Records- As authorized under NCGS 132-6.2(e) Cherokee County and its employees shall not compile, create, analyze nor summarize public records or data that is not already in existence at the time of receipt of a public records request.
3. Records Retention- Cherokee County shall retain and destroy records as per the North Carolina Public Records Act and the General Records Retention Schedule for Local Government Agencies.
4. Submission of Public Records Requests: Public records requests shall be submitted in written form to the Clerk to the Board of Commissioners. The Clerk shall evaluate the request to determine if such records requested exist and in which department the requested documents are maintained. The Clerk may consult with the County Manager and the County Attorney in making this determination. The Clerk shall refer the request to the appropriate department head for compilation of requested records and shall document by email such referral. The Clerk shall send a response to the requesting party that the records request was received.
5. Form of Public Records Request: Records requests submitted shall state the following:
 - a. Description of the requested documents in as much detail as possible.
 - b. A time span for the documents requested.
 - c. The name, address (physical and/or email) and phone number of the requesting party.
 - d. Any information that may be used to narrow the search parameters such as specific information sought, subjects or keywords, if the requestor chooses to provide such information.

- e. The preferred format in which the requestor wishes to receive the County's response.

6. Processing of Public Records Requests: Department Heads assigned by the Clerk to respond to a public records request shall be responsible to collect such records within a reasonable amount of time. If the response will take more than 10 business days, the Department Head shall notify the Clerk as to the reason for the delay and the anticipated time that it will take to complete the response.

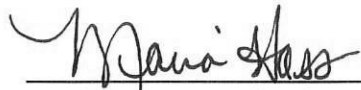
- a. Protected information - Department Heads shall review all of the compiled records for the presence of protected information as defined in NCGS Chapter 132, NCGS 153A-98 (personnel), NCGS 7B-2901 (juveniles), NCGS 75-61, NCGS 14-113.20, 143-318.10, 17 USC 106 and any other protected documents under law. Documents containing suspected protected information shall be submitted to the Clerk in a separate file with the explanation as to the criteria for exclusion of each document. The Department Head shall reduce the requested records to electronic form and shall submit them to the Clerk. The Clerk shall determine if redaction or exclusion of documents is necessary.
- b. Response - Upon completion of the collection of requested records, the assigned Department Head shall reduce the requested records to electronic form and shall submit them to the Clerk. The Clerk shall then prepare the formal response to the requesting party.
- c. Employee cost computation - Upon initial receipt of a public records request, Department Heads shall begin a log for the amount of employee time the compilation of requested record consumes. If it appears that the preparation time will exceed 30 minutes the Department Head shall cease processing and report to the Clerk with an estimate of how much time will be required to complete. If the request is anticipated to consume more than 30 minutes of employee time, the Clerk shall notify the requestor of an estimated cost for the request as presented. The requesting party may choose to narrow the scope of the search, agree to accept the cost, or end the search.
- d. Computation of Cost of Compilation: The cost of employee time in the preparation of public record requests shall be computed based upon the base hourly rate of pay for the employee(s) actually preparing the the request. The Department Head submitting the request answer to the

Clerk shall submit the name(s) of the employees and the amount of time expended in the preparation of the request. The Clerk shall make the cost of the compilation available to the requestor and to the public.

- e. Format cost - Actual cost of the format for response shall be charged to the requesting party. Hard copy responses shall be provided at 25 cents per printed page.
 - f. Payment method - If a public records request is anticipated to cost over \$20, the requesting party shall deposit with the Clerk the anticipated cost of the search before the completion of the records request. The actual cost of the records request shall be paid to the clerk before the delivery of the requested records.
7. Form of response: Upon receipt of the compiled documents, the Clerk shall notify the requesting party that the compilation of the records is complete and shall inform the requesting party of any fees that are due to the County for the records request.
8. Dispute of Records Requests or Costs of Requests - Requesting parties may lodge a complaint regarding the contents of, or the cost of, a public records request within 10 calendar days of the Clerk's response to the request. Any complaint must be in writing and detail the basis for the complaint. The appeal is made to the County Manager or his designee. The determination of the County Manager or his designee is final.
9. Requestors for Public Records - All individuals requesting public records in the custody of Cherokee County shall be subject to this policy, including County Commissioners, other elected officials and county employees.
10. Exclusion - This policy specifically excludes the Office of the Sheriff. Public records requests for the Office of the Sheriff shall be directed to the Sheriff.
11. Effective date - This policy shall be effective nunc pro tunc to July 1, 2024.

Unanimously adopted by the Cherokee County Board of Commissioners on the 3rd day of September, 2024.

Attest:



Maria Hass, Clerk to the Board