

Madison County, North Carolina Public Records Request Policy Procedures

Madison County is fully committed to making public records available to the public in a timely and efficient manner. To facilitate this commitment, the following public records request procedures are established to provide a defined and consistent process for requesting records. These procedures balance the public's right to access records with the equally important interests of protecting records from damage, loss, alteration, or disorganization, and the need to prevent excessive interference with essential government functions.

The custodian of the record bears the responsibility of maintaining the record, permitting public inspection, and providing copies of the record upon request. North Carolina law provides that the public official in charge of an office that holds the public record is the custodian of the records. The statute also authorizes a fee to be charged for copying of records.

1. How to Request Copies of Public Records

All public records requests must be made to the public official in charge of the office where the public record is maintained. For most records held by departments that report to the Madison County Manager, the records custodian will be the Madison County Manager. Through this policy, the County Manager designates the Clerk to the Board of Commissioners as the employee who will process all public records requests made to the County Manager. For records held in offices supervised by independent public officials and boards (ex. the Sheriff's Office, County Register of Deeds, Board of Elections) requests should be made directly to those public officials.

To process public records requests in a timely, consistent, and orderly fashion, the County asks that all requests be submitted in writing on the Madison County Government Public Records Request Form attached as Attachment A (the "Form"). Requests should be mailed or emailed to the Clerk using the following contact information:

Mailing / Delivery address:
Madison County Government
Att: Public Records Requests
P.O. Box 577
Marshall, NC 28753
Email: recordsrequest@madisoncountync.gov

To streamline and track receipt and fulfillment of public record requests, requests made by phone will not be accepted. A request is considered filed when the public records custodian has confirmed receipt of the request form. If a requestor does not use the Form or submit the request via the above-listed contact information, the County's consideration of the request may be delayed.

When making a records request, the written request should provide the following information included on the County's Form:

- a) Date of the request;
- b) Requestor's name;
- c) Requestor's full mailing address (name, organization, street address, city, state, ZIP);
- d) Requestor's day time phone number;
- e) Requestor's email address;
- f) A complete description of the record or records requested;
- g) The title, date, and location of the requested record or records, if known; and
- h) Whether the requestor intends to inspect the records or would like a copy of the record.

2. What to Expect After Submitting a Request

Within two (2) business days of receipt of the request, the County will typically provide an acknowledgement of receipt of the request. For requests that do not require extensive research, use of information technology, or clerical resources, the County will provide a follow-up response to the request as soon as possible, which is normally within five (5) business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day. A follow-up response from the County may include:

- A disclaimer that the record will only be made available after the payment of any applicable fees (see fee schedule below);
- An estimate of the time necessary for further response;
- The denial of the request accompanied by an explanation of the basis for the denial;
- A request that a deposit be made with the County to cover any applicable fees associated with the request; or
- Questions to clarify the request.

If the follow-up response asks for clarification of the request, no further response will be given by the County until a clarifying response is received by the County. Once the County receives a complete request, the County will respond either by:

- Providing or making the requested record available; or
- Denying the request and providing an explanation of the basis for the denial.

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

- Requestor's inspection of the record;
- Upon notification to the requestor that the requested photocopies of the record are available for payment and pick-up/electronic transfer (in the event copies were requested); or
- A denial of the request.

Where a request for public records is extraordinarily large and requires extensive use of information technology resources or clerical or supervisory assistance is required as set forth in N.C. Gen. Stat. § 132-6.2(b), the County will reach out to the requestor to discuss an appropriate procedure to efficiently meet the request and the fees associated with the request.

All public record requests become public records as soon as they are received by Madison County. The County may post requests it receives for public records online along with the County's response to the request.

A public record request is not continuing in nature. Therefore, it only applies to public records that exist as of the date the request is submitted. If additional records are created after the date of the requestor's original request, the requestor must submit a new request for the public record. As a default, any records or portions of records made available by the County will be provided to the requestor in the same format they are maintained by the County. If the requestor specifies a preference for a specific format, records will be produced in the requested format if: (1) it is determined that the records exist and are subject to release; (2) the County is capable of providing the records in the format requested; (3) the format requested is consistent with how the record is maintained or is otherwise reasonable; and (4) the requestor pays all fees associated with the fulfilling the request.

Requests for public records will be addressed and fulfilled according to the order in which they are received. Multiple requests from the same requestor and/or different requestors from the same organization will be addressed and fulfilled according to the order in which they are received, unless otherwise specified by the requestor or the organization.

If a record subject to a request is legally protected from disclosure, it will not be made available by the County. However, in situations where the record is not protected from disclosure, but includes protected information, the record will be produced in a redacted format.

3. How to Request to Inspect Records

If a requestor chooses to only inspect records, the County will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the County. The appointment to inspect may need to be broken into intervals, possibly over several days, so as to not interfere with County operations.

Any appointment to inspect records is limited to no more than two (2) hours on any given day, unless otherwise mutually agreed upon between the requestor and the County. Records will be made available to the requestor for up to fourteen (14) calendar days. If the requestor fails to contact the County within fourteen (14) calendar days of being notified that the records are available for inspection, the requestor must submit a new records request.

4. Denial of Request and Appeals

If a request for public records is denied, the requestor may appeal the denial in writing to the address or email below. Appeals must provide the factual and legal basis supporting the appeal. A response to the appeal will be delivered to the requestor within twenty (20) business days of the County's receipt of the appeal. Appeals must be delivered to the County in writing by mail or email using the contact information listed below:

Madison County Government
Attn: Public Records Request Appeal
P.O. Box 577
Marshall, NC 28753
Email: recordsrequest@madisoncountync.gov

5. Duplication, Mailing, and Special Service Fees

If the requestor has asked that a copy of the public record be produced, the requestor must pay all fees related to the request prior to the release of the copy. The fee schedule for copies is listed below:

8 1/2" X 11" single-sided hardcopy: \$0.04

8 1/2" X 11" double-sided hardcopy: \$0.07

Email attachment (of ten megabytes or less) or link: No cost

Digital Copy via thumb drive: market rate depending on data size

Public records that are not otherwise available in pre-printed form or that require an extensive use of clerical, supervisory, or information technology resources may be considered a special service and subject to an additional labor charge at a rate of \$27.00/per hour. Charges under this provision shall be incurred in 6-minute increments.

Standard US Postal Service first class mailing fees will also be charged for mailing copies of public records.

6. Fee Deposit

If it is estimated that the duplication, mail, or special service fees applicable to a particular record request exceed \$25.00, the County, at its discretion, may require the requestor to deposit a sum equal to 75 percent of the estimated cost prior to preparing a response to the request. If a deposit is required, the County will notify the requestor. In the event that the actual duplication and deposit fees are less than the amount deposited by the requestor, the County will return the excess amount deposited.

7. Payment of Required Fees

Payment of all fees must be made prior to the release of public records. When appropriate, the payment of a deposit may be required prior to the duplication of any records (see Paragraph 6 above). All payments must be made by cash, money order, or check payable to Madison County. Payment must be made in person at the Madison County Finance Office, 107 Elizabeth Lane, Marshall, NC 28753. A copy of the public records request must be submitted with payment.

8. Failure to Pay Required Fees

If a requestor fails to pay a bill for fees incurred within 30 calendar days, the County may require the requestor to pay in full any past due amount owed before it will process any new request or

complete a pending request from the delinquent requestor. In addition, the County may require advance payment for any future requests of the full amount of the estimated fee. If the County is unable to collect fees from a requestor, the County may, upon providing thirty (30) calendar days notice to the requestor, destroy the duplicated set of records to avoid storage concerns and costs. Although the records are destroyed, the requestor will still be responsible for the costs the County incurred in duplicating the records originally requested by the requestor.

Adopted by the Madison County Board of Commissioners on May 19, 2020.

Attachment A

Madison County Government Public Records Request Form

Date of request: _____

Requestor's name: _____

Mailing Street Address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Email address: _____

Record Information

Title of requested record (if known): _____

Date requested record was created (if known): _____

Location/Department where requested record is located (if known): _____

Record Format

_____ I want to inspect the record (no duplication fee)

_____ I want the record emailed to the email address provided above (no duplication fee)

_____ I want a photocopy of the record (duplication fee, see Public Records Procedure)

_____ I want a digital copy of the record (duplication fee, see Public Records Procedure)

(For Internal Madison County Use Only)

Date request received: _____ Date request completed: _____

Fees associated with record request: _____
