I. What is the Georgia Open Records Act?

A. The Georgia Open Records Act (“GORA”) allows all citizens to view the “public records” of state agencies, upon request, and to make copies of such records for a nominal fee.

1. “Public record” means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.

B. Applicable Exemptions

1. Personal and confidential information.
   a. Social Security numbers.
   b. Medical information.
   c. Insurance information.
   d. Bank account information.
   e. Credit card and debit card account information.
   g. Utility account information.
   h. Passwords.
   i. Mother’s birth name.
   j. Month and day of birth.
   k. Unlisted telephone number if so designated in a public record.
   l. Personal e-mail address or cellular telephone number.
   m. Identity of immediate family members or dependents.
   n. The home addresses and telephone numbers of public employees, judges, and law enforcement officers.
   o. Such information as is required to be kept confidential by federal law – FERPA and HIPPA.
2. Georgia College may decide to withhold all or part of a requested record, in that case it shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three (3) business days or in the event the search and retrieval of records is delayed.

II. Applicability to Georgia College
A. Georgia Constitution.
   1. Article VIII, Section III, Paragraph I of the Georgia Constitution created the Board of Regents of the University System of Georgia, thereby making it a state agency and subjecting it to all applicable laws, rules, and regulations.
   2. Georgia College is governed by the Board of Regents of the University System of Georgia.
   3. Please see the Georgia College Open Records Policy.

III. Georgia College’s Designated Open Records Office
A. The Office of Legal Affairs is designated as the central, open records requests office for Georgia College.
   1. This designation ensures that requests are handled in a timely manner, and that all disseminated information complies with applicable Federal and State laws, and Board of Regents and Georgia College policies and procedures.
   2. Georgia College must make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of the open records officers.
      a. This designation shall be made to the local newspaper, and shall be designated on the Georgia College webpage.
   3. The absence of the designated officer does not permit a delay in responding to records requests.

IV. Procedure
A. A citizen should submit a request for records to the Office of Legal Affairs.
   1. Requests may be submitted orally, or by e-mail or facsimile transmission.
   2. Requests to inspect or copy electronic messages, whether in the form of e-mail, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons whose electronic messages are sought and, to the extent possible, the specific data bases to be searched for such messages.
   3. Requests to inspect or copy electronic messages, whether in the form of e-mail, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons
whose electronic messages are sought and, to the extent possible, the specific databases to be searched for such messages.

4. Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against an agency shall be made in writing and copied to counsel of record for that agency contemporaneously with their submission to that agency.

5. Georgia College is not required to prepare reports, summaries, or compilations not in existence at the time of the request.

B. What happens when the Office of Legal Affairs receives a GORA request?

1. The Office of Legal Affairs will immediately contact the office that maintains the requested record.

2. The maintaining office will estimate and inform the Office of Legal Affairs how long it will take to search for, retrieve, redact, and re-file the records.
   a. Many requesters do not realize that their requests for documents can be expensive, so the Office of Legal Affairs will inform the requestor of the costs of the retrieval. If the requester decides to withdraw the request then the Office of Legal Affairs will notify the maintaining office to cease working on the request. Until such time as the requestor does withdraw the request, the maintaining office must continue collecting and redacting the records in a timely fashion.

3. When the maintaining office finishes searching for the requested documents, it shall notify the Office of Legal Affairs that the documents are ready for review or mailing.

4. The Office of Legal Affairs will then request the maintaining office to bring the materials to the Office of Legal Affairs for review, or if it is extensive material, the Office of Legal Affairs will go to the respective office.

5. The Office of Legal Affairs will review the material to ensure compliance with the GORA, then either mail the material or inform the requestor that the material is available for review.

6. The maintaining office shall prepare an invoice to the requestor, showing all administrative time and copying costs.
   a. Georgia College charges ten cents ($0.10) per page for any copies in addition to the costs of search, retrieval, redaction and re-filing. This fee may be waived for requests that result in fewer than 20 copies.
   b. If the available information is in electronic format, Georgia College may charge the public the actual cost of the media on which the records or data are produced.

V. Important Things to Note

A. Subpoenas

1. If an office receives a subpoena, from any source, for Georgia College records, whether the subpoena is delivered by mail or given in person, the receiving office shall immediately contact the Office of Legal Affairs at 445-2037.
2. **THE RECEIVING OFFICE SHALL NOT DISPOSE OF ANY DOCUMENTS (INCLUDING ENVELOPES) RECEIVED WITH THE SUBPOENA.**

B. Timeframe
   1. Georgia College only has three (3) business days to send the copies of the records requested or to inform the requestor where the records may be viewed.
      a. In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced.
   2. As the Office of Legal Affairs is the designated request office, the three (3) business day period does not began to run until such time that the Office of Legal Affairs receives the requests.

C. Oral requests are acceptable
   1. Requests do not need to be made in writing, so if an oral request is made to an office or department of Georgia College, a representative from that office shall immediately make a note of the request and review such notes with the requester to ensure that the request is clear.

2. **THE RECEIVING OFFICE SHOULD BE SURE TO OBTAIN THE CONTACT INFORMATION FOR THE REQUESTER.**

D. Georgia College is not required to prepare new reports, summaries, or compilations not in existence at the time of the request.

E. The Office of Legal Affairs is designated as the central, open records requests office for Georgia College.

VI. **Fees**
   A. Georgia College is permitted to recover its cost in responding to GORA requests. The hourly rate charged for search and retrieval time may not exceed the rate of the lowest-paid full-time employee capable of performing the search. If the expected search and retrieval time will exceed one hour, the maintaining office shall inform the Office of Legal Affairs, who will respond as appropriate.
   
   B. In addition to a charge for the search, retrieval, or redaction of records, Georgia College may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.
   
   C. If Georgia College seeks costs in excess of $25.00 for responding to a request, it shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs. Georgia College may defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs.
D. In any instance in which the estimated costs for production of the records exceeds $500.00, Georgia College may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records.

VII. **Penalties for Violation**
A. Any person knowingly and willfully conducting or participating in a meeting in violation of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought against any person who negligently violates the terms of the GORA in an amount not to exceed $1,000.00 for the first violation. A civil penalty or criminal fine not to exceed $2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date that the first penalty or fine was imposed.

VIII. **Special Provisions Based on Specific Departments**
A. Libraries
   1. Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Board of Regents of the University System of Georgia when the owner or donor of such records wishes to place restrictions on access to the records. No restriction on access, however, may extend more than 75 years from the date of donation or sale. This exemption shall not apply to any records prepared in the course of the operation of state or local governments of the State of Georgia.

B. Research
   1. Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency.