

PUBLIC RECORDS REQUESTS

THE DEPARTMENT OF ENVIRONMENT AND COMMUNITY DEVELOPMENT

An informal request for public records from the Department is a shared responsibility by all staff with access to the electronic building permits files from December, 2002, to present, Current Zoning files kept in the Records Room of the Department, or Development plans that have not yet been archived or transferred to the Public Works Department. If these records are not available after an initial search, the request may be transferred for archive research by contacting Mr. Phillip A. Jones, Sr., Records Manager, via phone at 404-730-0037, or through email at Phillip.Jones@fultoncountygga.gov. Public Records requests may be submitted on a form made available for this purpose by the Department ([Click here for a form](#)) or in writing. All effort will be made to comply with these requests for Public Records in a timely and efficient manner while the customer is waiting, if possible.

OPEN RECORDS REQUESTS

THE DEPARTMENT OF ENVIRONMENT AND COMMUNITY DEVELOPMENT

Anyone who would like to officially request records under the **Georgia Open Record Act**, held by the Development Division of the Department of Environment and Community Development, should notify the Records Manager, Mr. Phillip A. Jones, Sr., via phone at 404-730-0037 or through email at Phillip.Jones@fultoncountygga.gov. *Open records requests must be submitted on a company or individual (or agent thereof) letterhead.* These letters must be sent through the office of the Director of the Fulton County Department of Environment and Community Development, 141 Pryor Street, SW, Suite 2085, Atlanta, GA 30303. The letter should provide specific information as to the location of the property, the approximate date when it was built and a description of the type of documents that are being sought. You need not give a reason for your request unless you believe it would be helpful for staff in conducting the search. More details, rather than less, can shorten the amount of time taken for research.

Q & A on the Georgia Open Records Act

What is the Georgia Open Records Act?

It is a state law requiring that public records be open and available for inspections by any member of the public.

What is a public record?

Public records include virtually all records of state agencies. Documents, maps, photographs, videotapes, handwritten notes, computer data, including e-mails, all are public records if created or held by a state agency. Records held by private persons for a state agency and records held away from the work site all are subject to the law.

Does the Open Records Act apply to the Department of Environment And Community Development's Development and Planning and Zoning Divisions?

Yes. Because Fulton County is a public agency, it is subject to the act.

What is the purpose of the Open Records Act?

The purpose is not only to encourage public access to certain information, but to maintain the public's confidence in government by discouraging secrecy and closed records. The act allows the public to evaluate the functioning of its government.

Who may make an open records request?

Any member of the public has standing to request an inspection of any public record. It is not necessary for the requestor to show particular need or interest in the matters covered by the record in order to gain access.

What obligation does the Open Records Act place on the Department?

The Department must provide access to existing public records in its custody or under its control, including those the Department created and those it has received in the course of its operation. We are not required to create a record which does not exist at the time of the request. We are not required to compile requested information into a single document.

Are there records which may be exempted from disclosure under the Open Records Act?

There are exemptions, but they are limited and have been interpreted very narrowly by the courts. The law presumes all records are open and places the burden on the Department to demonstrate that any requested materials are exempt. If a public record contains both exempt and non-exempt material, the exempt portion must be removed and the remaining non-exempt material disclosed.

Are employee's performance evaluations subject to disclosure under the Open Records Act?

Yes. Since 1988, it has been the opinion of the State Attorney General that such documents are open.

Are Personnel files subject to disclosure under the Open Records Act?

Yes. Any exempt material in personnel files, such as social security numbers, medical information, or information relating to the designation to beneficiaries, may be redacted.

Are e-mails I send and receive subject to disclosure under the Open Records Act?

Yes. Any e-mail sent or received on County-owned equipment, no matter where it is housed, or through private equipment housed on County property, no matter whether it is business-related, is subject to disclosure.

As a Department employee, what is my responsibility to preserve public records?

Although other federal and state laws require the County to maintain certain records for a period of years, no particular records are required to be maintained by the Georgia Open Records Act until they have been requested. Once they are the subject of a request, records may not be erased, shredded, or otherwise disposed of under penalty of law.

Must the Department notify employees named in records being disclosed?

While there is no such requirement in the law, the Department by policy notifies employees whose performance evaluations or personnel files are being released under an open records request.

What if I have a question about whether the records requested from me fall under the law?

Whenever you receive a request, you should immediately contact the open records manager in the Department, Phil Jones at 404-730-0037 or the Director's Office. The Department's Attorney will evaluate the request for applicability under the law.

Can the Department charge requestors for the cost of copies and staff time used in the search?

The allows a copying fee not more than 25 cents per page and a charge for staff time used in the search, based on the pay rate of the lowest- paid employee qualified to search and assemble the documents.

How critical is the time element in complying with the Open Records Act?

It is very critical that any unit receiving a request for records immediately notify the Open Records Request Manager. The three-day clock for the Department to comply under the law starts running when the Department receives the request, not when you begin your search. It is the responsibility of department heads to assure there is no delay in this notification.

Fulton County Policy and Procedures 600-10 (Georgia Open Records Act).

Statement of Policy: It shall be the policy of Fulton County that public records in agency of Fulton County shall be subject to disclosure to the fullest extent permitted and required by the laws of the State of Georgia. It shall be the responsibility of every employee, officer, elected official and Agency of Fulton County to ensure compliance with the Georgia Open Records Act. As amended, O.C.G.A. § 50-18-70 et. seq.