



PUBLIC RECORDS POLICY

The following Public Records Policy applies to all County employees, members of volunteer boards and committees, and public officials, except employees of the Departments of Health and Social Services, or other employees who are required to follow the State policy for Public Records.

RULES

1. Never destroy any records in any format unless it is legal to do so.
2. Never destroy any records in any format that relate in any way to pending, threatened, or anticipated litigation.
3. There is no expectation of privacy for an employee when using a county computer for any reason. There is no expectation of privacy for the public accessing county websites, including social media or email unless specifically protected by law.
4. The content of the information determines whether it is a public record. It is not the delivery or how the information is received or sent (*audio, video, disc, memory stick, electronic, including email or blogging, or paper*).
5. Requests should be delivered to the County Manager and the Custodian within 24-hours of receipt. The County prefers that the Public Records Form is filled out by the requestor; however, a form is not required.
6. All outgoing county emails shall contain the county's privacy policy disclosure statement in the footer of the email: *"In keeping with the NC Public Records Law, e-mails, including attachments, may be released to others upon request for inspection and copying."*
7. Volunteer members of County Boards, Commissions, Advisory Groups and Committees are members of a public body and are subject to the same public records law as paid employees when conducting county related business.
8. Using a personal computer for County related business does not exempt the release of e-mails or documents on the computer. This includes computers belonging to members of Boards, Commissions, Advisory Groups and Committee members.

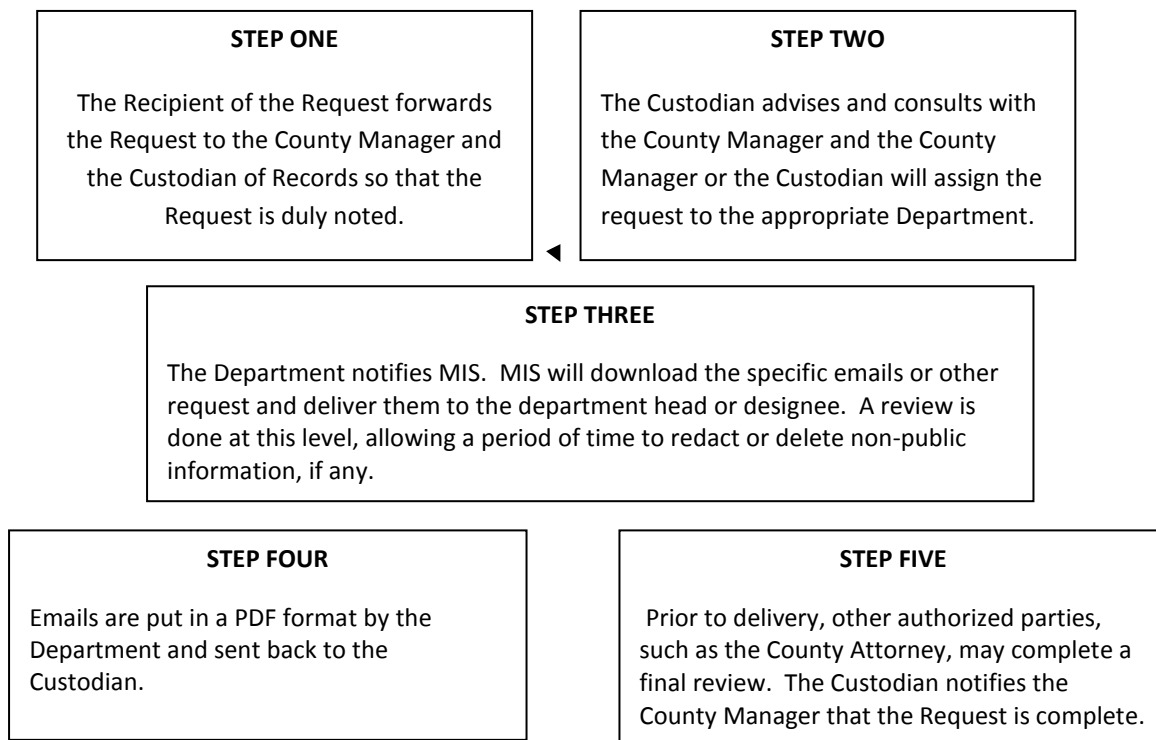
9. All documents will be delivered in PDF format, and sent via e-mail at no charge, unless a request in a different format has been made. Fees may be associated for special delivery services. The Fee Schedule is available on the Public Records Request Form.

Public records can be requested at any time by anyone. The person making the request is not required to provide a reason for the request. In keeping with N.C. Gen. Stats. §121-5 and §132-6, the County has developed the following policy and protocol to expedite any request made by the public and to create an organized effort in keeping public records transparent and readily available. The following explains how the request should be processed, and the requirements for record retention and disposition.

The Clerk to the Board of Commissioners is the Custodian of Public Records (the “Custodian”). When a request is delivered to a department but not the Custodian, the employee receiving the request is required to notify the department head, and forward the request to the Custodian, with a copy to the County Manager, within 24-hours of its receipt. If a request is delivered directly to the Custodian and not to a department, the Custodian shall deliver a copy of the request to the County Manager within 24-hours of its receipt. The Custodian shall determine if a reasonable fee may be charged depending upon the size of the order, or the type of delivery format requested, in accordance with N. C. Gen. Stat. §132-6.2, although most requests do not necessitate the amount of staff time required for a fee. Public Records orders shall be completed within a reasonable period of time, based on the amount of information requested.

Public Records come in many forms including, electronic format such as emails or databases, WORD, PDF, Excel; video or audio recordings; minutes, paper documents, and most recently social media sites such as Facebook, Twitter, or My Space, or any other form that the County uses to transact its business.

Both the County Manager and the Custodian are to be informed of all public records requests and will be responsible for tracking them. For example, once a request to review County *emails* is received:



Please note that the department designee will be responsible for assessing all documents in the request. In most cases regarding emails the Custodian, MIS, the specific department head and the County Attorney's Office will be involved. All emails, in all folders, with the exception of any folder marked "Personal" (provided it is personal and unrelated to County business) may be reviewed. Emails are reviewed in each of the following Outlook Mail folders:

- Inbox
- Sent
- Deleted
- Drafts
- Junk Mail
- Separate Folders
- Archived
- Attachments to emails

If there is a question as to whether an email, document or tape recording can be deleted or released, the department head shall be notified and shall determine its value. DO NOT DELETE the email, post from a social media site, document or tape recording without proper authority.

To facilitate the process, please use the following guidelines:

1. **Tape Recorded meetings:** Any tape recording of an official meeting such as a Board of Commissioner's meeting, volunteer board, or committee shall be kept until the minutes of those meetings have been approved, and in the case of the Board of Commissioners, regular meetings and work sessions tapes, so long as a Commissioner attending that meeting remains in office. For other Boards, once the recording is transferred into a permanent format, the recording itself may be destroyed. Keep in mind that if you decide to save the tape recording, it may be subject to public records release. While we can redact privileged or confidential information that was discussed in a permanent format like a PDF, we cannot redact what is on a tape. It is permissible to keep the tape recording, but it is not recommended.
2. **Automatic Deletion:** Provided they are not required to be retained, consider setting your Outlook to automatically delete emails in your Deleted file folder every day, or every few days, when you shut down your computer. Any information remaining in the deleted folder is reviewed just as the rest of the email folders are reviewed. Simply adding an email to your Delete folder does not get rid of the email unless you program your system to permanently remove it. Don't forget that your replies to an email will be in your "Sent" folder. Make sure to check the In box and the Sent box to be certain you have deleted the thread. If you do not know how to set up your Outlook to automatically delete, call MIS for guidance. Follow the retention guide for record disposition.
3. **Metadata:** Do not remove the Metadata from any email that is required to be retained. It is considered a public record. Metadata verifies the authenticity of the email. It may be used as evidence during litigation. It is the portion of the document showing who initiated

the email; the header of the email, thread information (how many times an email had responses, who specifically received the email, including blind copies (bcc); file dates and sizes; tracked (redlined) changes with sidebar comments, in a shared document, including word documents, PowerPoint, and spreadsheets, etc. Other Metadata may be embedded within the system and not visual to the user. Metadata contains over 1200 properties, all of which can be requested in litigation.

4. **Drafts of Documents:** Only the final draft of a document needs to be saved. Drafts are often sent back and forth for revisions between many parties. If you do not delete all but the final draft, those versions become public record, including any comments made, or addresses of those who received the drafts for review, including blind carbon copied (bcc). Make a point of deleting all but the final version of the draft document. You may inadvertently reveal confidential information in a draft document through the metadata, if you don't.
5. **Redacting Information:** If you choose to post information that contains a redaction; that is, there is information that you do not want others to see and that portion has been blacked out; be aware that this information can be retrieved by anyone using the full commercial version of Adobe Acrobat. It is better to black out the information in a PDF, Word document, or image file, and then save it again as a new file, in an image format like TIFF or JPEG. Do not assume this confidential information or offensive language is secure unless you follow specific protocol.
6. **Self-Filtering:** Employees are encouraged to self-filter emails in order to remove emails that are not related to County business prior to MIS downloading a request. The Custodian may grant employees up to 48 hours to self-filter his/her email, however, the Custodian is in no way required to grant such time. The employee is responsible to know the disposition of records for each document or electronic record requested. In other words, do not delete any county business email or purge any document unless its term value has expired. See examples below. **Deliberately deleting any email, file, folder, or document prior to its term value expiration is in violation of this policy and may result in disciplinary actions up to and including termination.**
7. **Personal Business:** Avoid using your County email for personal business. For example, do not make or confirm appointments or meetings for doctors, parent-teacher conferences, any personal financial issues (banking, credit union), other family matters; pictures, jokes, political or religious views, gossip, or any other matter. Encourage friends to use your personal email for any correspondence. Do not send, receive or work from the County's computer system on any project from an outside job you may hold. **Certain information disclosed or discovered may cause a disciplinary action to be taken against you, up to and including termination.**
8. **Out of Office Alerts:** If you will be out of the office or unable to make a meeting because of a personal matter (doctor appointment, illness, school activities, etc.), do not be specific in your email as to why you cannot attend. Simply say, "I will be out of the office and unavailable until ____:00, or _____ (day)". The reason you will be out is

between you and your supervisor or department head. Every effort will be made, but cannot be guaranteed, to redact such information within the email; however, depending upon the size of a public records request order it may be overlooked, especially if it is embedded in the body of an email or duplicated in the thread.

9. **Language and Tone:** Choose your words in your emails carefully. If your email regards County business, the email will be a public record regardless of the tone or wording used or its recipient.

NON-ELECTRONIC DOCUMENTS, FILES OR REPORTS

(Thanks to NCDCCR for allowing us to use their resources)

The Government Records Branch of the North Carolina Department of Cultural Resources provides and administers records management services to local government agencies, among others, in accordance with N.C. Gen. Stats. §121 and 132, which mandates the preservation of the historical records of this State.

Documents created by the County are considered Public Records. Some documents must be kept on file indefinitely, while others may be disposed of almost immediately. The Guidelines for Record Retention and Disposition below will give you an idea of how long a document must be kept.

GUIDELINES FOR RECORD RETENTION AND DISPOSITION

*This document is not all inclusive. If you are unsure of the value of the document, check with your supervisor, Department Head, or the County Attorney's Office or go to <http://www.records.ncdcr.gov/local> and download the **complete** schedule, or simply retain the record. These guidelines are not intended to serve as authorization to destroy or otherwise dispose of unscheduled records. This information should be used as a general guideline only. You may also want to download "Managing Electronic Public Records" at the same site for specific information. Each Department shall make its own informed decisions about the value of each type of record.*

REMEMBER, IT IS NOT THE DELIVERY OR HOW THE INFORMATION IS RECEIVED; IT IS THE CONTENT OF THE INFORMATION.

SHORT TERM VALUE

These may be deleted or disposed almost immediately

- Email messages not related to County business.
- Documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of County business.
- Records that do not contain information necessary to conduct County business, meet statutory obligations, carry out administrative functions, or meet organizational objectives.
- Preliminary or rough drafts containing no significant information that is not also contained in the final drafts of the records.
- Reservations, confirmation, routing slips, or other records that transmit attachments.
- Facsimile cover sheets containing only transmittal (“to” and “from”) information, or information that does not add significance to the transmitted material.
- Tape recordings of meetings (except for Board of Commissioners meetings), made to assist in preparing the minutes may be destroyed once the minutes are approved.
- Administrative correspondence without historical value may be destroyed once its administrative value has ended.

MEDIUM VALUE

- Contracts may be destroyed three (3) years after their termination if there is no outstanding litigation.
- Records evidencing routine maintenance of government vehicles may be destroyed after one (1) year, while other maintenance issues on the vehicle must be kept for the life of the vehicle.

LONG TERM VALUE

- All minutes of a governing board must be kept permanently.

For more efficient file keeping, mark each file with its disposition date on the front of the folder.

****Reminder: Make sure to check with the IRS or Finance with respect to records that may require longer retention schedules before destroying any files.***