



UNIVERSITY OF  
WEST GEORGIA

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|-----------------------------------|-----------------------------------------------|
| Area                              | Administration/<br>Governance<br>(Procedures) |
| Chief Or<br>Responsible<br>Office | Office of<br>Legal Affairs                    |

# Compliance with Georgia Open Records Act

Authority for Procedure granted by [UWG PL #1009, Legal and Regulatory Compliance](#)

## Purpose

This procedure establishes the University of West Georgia’s process for ensuring compliance with the **Georgia’s Open Records Act, O.C.G.A. § 50-18-70 et seq.**, which provides that all Public Records of an agency shall be available for inspection or copying unless they are specifically exempt by law.

## A. Designation of Open Records Officer

Per **O.C.G.A. § 50-18-71(b)(1)(B)**, the University President shall designate one official to serve as the **Open Records Officer (ORO)** and will publish that individual’s name and contact information prominently on the university’s website. (see [University Open Records webpage](#))

The **Chief Legal Officer or designee** is responsible for institutional oversight and ensuring compliance with this procedure.

## B. Submitting Requests

Open Records Requests (ORRs) may be submitted **orally or in writing**.

- Oral requests shall be immediately referred to the designated ORO.
- Written requests shall be made upon the duly appointed **Open Records Officer** at the University of West Georgia.
- Requests from **media representatives** or **civil litigants** shall also be forwarded to the ORO for handling.

## C. Response Timeline

Upon receiving a request, the ORO shall promptly determine whether responsive records exist.

**Within three (3) Business Days**, the University must either:

- Provide access to responsive records, or
- Inform the requester of the estimated cost and production timeline if records are not immediately available.

The three-Business Day response period begins when the **Open Records Officer** receives the written or oral request. Under **O.C.G.A. § 50-18-70 et seq.**, the Business Day the request is received counts as day zero; the following Business Day is day one, and the count continues accordingly. **Weekends, legal holidays, or university closures** are excluded from this calculation.

If only a portion of the request can be fulfilled within three Business Days, the available records will be released, and the remaining materials provided according to the estimated completion schedule.

## D. Review and Exemptions

Before responding to or disclosing records in response to an Open Records Request, the Open Records Officer must determine if any information or documents are **exempt from public disclosure** under **O.C.G.A. § 50-18-72**.

To make this determination, the ORO, upon request, shall receive complete, unredacted records from university Units or parties.

All exemptions are to be interpreted narrowly to exclude only those portions of records that are lawfully exempt.

The ORO may consult with the **Chief Legal Officer** to confirm whether specific information may be withheld. When records or portions thereof are withheld, the ORO must cite the **specific statutory exemption** (Code section, subsection, and paragraph) to the requester.

## E. Contracts with Third Parties

All contracts with private vendors that prepare, collect, store, or maintain Public Records on behalf of UWG must include provisions ensuring those records remain publicly accessible and can be promptly produced in response to an Open Records Request, so as not to impede the University's compliance obligations.

## F. Common Exemptions

The following record types are most frequently exempt under **O.C.G.A. § 50-18-72** and are commonly maintained by UWG:

- **Student records** protected by FERPA. (O.C.G.A. § 50-18-72(a)(1) and (a)(37))
- **Employee and Personal information** (home address, SSN, birth month/day, financial data, etc.) per O.C.G.A. § 50-18-72(a)(20)(A) and (a)(21)
- **Donor records**, except donor name and donation amount when applicable. (O.C.G.A. § 50-18-72(a)(29))

- **Medical records.** (O.C.G.A. § 50-18-72(a)(2))
- **Hiring evaluations and interview materials.** (O.C.G.A. § 50-18-72(a)(7))
- **Investigative materials** related to disciplinary action (until the case concludes, per O.C.G.A. § 50-18-72(a)(8))
- **Real estate** appraisals, engineering or feasibility estimates, or other records (until acquired, terminated, or abandoned, per O.C.G.A. § 50-18-72(a)(9))
- **Sealed Bids or Proposals** (i.e., pending, rejected, or deferred) and any related detailed cost estimates (until finalized or abandoned, per O.C.G.A. § 50-18-72(a)(10))
- **Trade secrets** (with required affidavit, per O.C.G.A. § 50-18-72(a)(34))
- **Unpublished research data** (O.C.G.A. § 50-18-72(a)(35–39))

**Full statutory language is available in O.C.G.A. § 50-18-72.**

- No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request. (O.C.G.A. § 50-18-71(j))

**Media Exception:** Under **O.C.G.A. § 50-18-72(a)(20)(B)**, an individual's **social security number** and **day and month of birth** may be disclosed in response to a **written Open Records Request** that is **signed under oath** and submitted by a **representative of a news media organization** for use in legitimate news gathering and reporting.

However, even under this exception, the **Open Records Officer shall not release the social security number or day and month of birth of any Public Employee.**

## G. Assessment of Costs

UWG will use the most economical means reasonably available to identify and produce responsive records, in accordance with **O.C.G.A. § 50-18-71(c)–(d)**.

### 1. Estimated Costs (O.C.G.A. § 50-18-71(d))

- If estimated costs exceed **\$25**, the requester will be notified within three (3) Business Days.
- If estimated costs exceed **\$500**, prepayment is required before processing.
  - Search and retrieval** may be deferred unless the requester has indicated a willingness to pay a specific amount or agrees to pay estimated costs.
- A requester with an **outstanding unpaid balance** from a prior lawful charge may be required to prepay future costs until the outstanding balance is satisfied.

### 2. Actual Costs (O.C.G.A. § 50-18-71(c)(1))

- Copying fees: \$0.10 per page** for standard letter- or legal paper copies. For other copies (e.g., blueprints, posters, etc.), the actual cost of copying/producing may be charged.
- Labor Costs: Prorated hourly rate** of the **lowest-paid full-time employee** who, in the reasonable discretion of the Open Records Officer, has the necessary skill and training to perform the task (e.g., search, retrieval, redaction, etc.); the **first 15 minutes** are provided at no

charge.

- iii. **Electronic media: Actual cost** of materials used to produce records (e.g., flash drive, disk).
- iv. **Postage/Shipping: Actual cost** for mailed or shipped records.
- v. **Certified copies: \$1 per page** for certification as a true and correct copy.

### 3. Notarial Fees

The University may charge a notarial fee, **in accordance with O.C.G.A. § 45-17-11**, only when a requester specifically asks for copies of public records to be **notarized or accompanied by an oath or affirmation**. The fee **shall not exceed \$2 per notarial act** and may be assessed for:

- Notarization or certification of copies of public records; or
- Administration of an oath or affirmation that does not require a signature notarization.

This fee shall be **itemized separately** from other authorized copying and labor costs and applied **only when notarization is expressly requested** by the requester.

### 4. Law Enforcement Video Recording Fees

In accordance with **O.C.G.A. § 50-18-96(g)**, the University may assess a fee for copies of law enforcement video recordings. A standard **fee of \$10** shall be charged for each copy of a video recording produced from a law enforcement body-worn camera or from a recording device installed on or within a law enforcement vehicle.

### 5. Fee Waivers

The University may **waive or reduce fees** at its discretion when disclosure of the requested information primarily benefits the public rather than commercial interest.

## H. Violation of the Act

Failure to comply with this procedure may result in disciplinary action up to and including termination in accordance with relevant University policies and potential prosecution under state law.

Under **O.C.G.A. § 50-18-74(a)**, any person or entity that **knowingly and willfully**:

- denies access to non-exempt records,
- fails to provide records within the required time limits, or
- frustrates or attempts to frustrate access by intentionally making records difficult to obtain or review,

**shall be guilty of a misdemeanor**. Upon conviction, the violator **shall be fined up to \$1,000 for the first violation and up to \$2,500 for each subsequent violation occurring within a 12-month period**.

Knowingly **destroying records to prevent disclosure** may constitute a felony under **O.C.G.A. § 45-11-1.4**.

# I. Record Retention

Open Records Act documentation will be maintained in a manner consistent with the University System of Georgia (USG) [Records Retention Schedules](#). Institutions are the official custodian of responses for their records; the USG System Office is the official custodian of responses for records maintained in the USG System Office.

# J. Exclusions

This procedure does **not** alter existing processes for:

- Responding to subpoenas or judicial discovery, or
- Compliance with the **Family Educational Rights and Privacy Act (FERPA)**.

# Definitions

**Business Day** - days of the week when University administrative offices are open for business. Typically, these include Monday through Friday and exclude official public holidays and weekends.

**Chief Legal Officer** - the individual responsible for providing legal counsel and support to the University.

**Institutions** - any college, university, or units under the governance and management of the University System of Georgia (USG) and its Board of Regents (BOR).

**Open Records Officer** - the individual designated by the Institutional President to receive and coordinate oral or written Open Records Requests. The individual may be the official Custodian of Records, or another designated official whose absence or unavailability would not delay the University's response to a request.

**Open Records Request** - a verbal or written request submitted by any person, firm, corporation, or entity to inspect or obtain copies of public records, in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).

**Public Records** - any document, paper, letter, map, book, tape, photograph, email, computer generated data, or similar material prepared, maintained, or received by a public office or agency in the course of official business. A "public record" may also include items created or received, or managed by a private person or entity performing a service or function on behalf of a public agency.

**Public Employee** - any individual employed by a government agency, including municipal, county, state, or federal agencies, as well as state colleges or universities.

**Third Party** - any private person, firm, corporation or other private entity that, on behalf of the University, prepares, collects, stores or maintains public records.

**Unit** - any department, division, or office under the governance and management of the University of West Georgia (UWG).

**University System of Georgia (USG)** - a collective body composed of the System Office, all public four-

year institutions of higher education, and affiliated state agencies operating under the Board of Regents.

**USG System Office** - the central administrative office that provides direction, policy, and operational structure for the University System of Georgia and its member institutions.

## Guidelines/Related material

- Georgia Open Records Act [O.C.G.A. § 50-18-70 et seq](#)
- Trade Secret Definitions [O.C.G.A. § 10-1-761](#)
- [UWG Open Records webpage](#)

## Keywords

GORA, Freedom of Information Act (FOIA), ORR, ORA, Transparency

## Approval Signatures

Step Description

Approver

Date