



UNIVERSITY OF
WEST GEORGIA

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Area	Administration/ Governance (Procedures)
Chief Or Responsible Office	Office of Legal Affairs

Compliance with Georgia Open Records Act

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

Background

Purpose

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

A. Procedures

- ~~Each institutional president, pursuant to O.C.G.A. § 50-18-71(b)(1)(B), may designate one official to serve as the Open Records Officer and shall publish the individual's name and contact information prominently on the university's website.~~
- ~~The Chief Legal Officer or designee is responsible for ensuring compliance with this procedure.~~
- ~~There is no legal requirement that an Open Records Request must be in writing; requests are received orally or in writing. Any individual who makes an oral request for the inspection or copying of Public Records shall be directed immediately to the designated Open Records Officer. All written requests must be made upon the duly appointed Open Records Officer.~~
- ~~Upon receipt of a request, the Open Records Officer shall immediately determine whether any responsive documents exist. Within a reasonable amount of time, not to exceed three Business Days from receipt of a request, Public Records responsive to a request must be produced for inspection. In instances where some but not all of the records are available within three Business Days, those records located and produced shall be made available.~~
- ~~In any instances where responsive records exist but are unavailable, the Open Records Officer, within three Business Days, must provide the requestor with an estimated cost and timeline for~~

production within three Business Days. (see section C, Assessment of Costs)

- ~~6. All requests for inspection or copying of Public Records must be responded to in writing, within a reasonable period, not to exceed three Business Days. The three-business-day response deadline begins when the Open Records Officer receives the written/oral request.~~
- ~~7. Contracts with private vendors to prepare, collect, store or maintain Public Records, on behalf of the institution, should include provisions to ensure public access and delivery of records do not impede the response to a request.~~
- ~~8. Open Records Requests from media representatives must be forwarded to the Open Records Officer.~~
- ~~9. All Open Records Requests by a civil litigant for records pertaining to ongoing civil or administrative litigation and a copy of all documents responsive to such a request must be forwarded to the Open Records Officer.~~
- ~~10. 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. All exemptions are to be interpreted narrowly to exclude only those portions of the records that are lawfully exempt.~~
- ~~11. The Open Records Officer, upon request, shall receive requested records in their entirety without redaction from all parties.~~
- ~~12. The Open Records Officer may consult with Office of the Legal Affairs to determine for the institution if all or part of a requested record(s) may be withheld; the specific legal authority, including the Code section, subsection, and paragraph exempting the requested information must be relayed to the requestor when withholding such records.~~

B. 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.

C. 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.**

D. 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.

E. ~~Exemptions to Disclosure~~ Review and Exemptions

~~O.C.G.A. § 50-18-72 lists the records exempt from the public disclosure requirements of the Open Records Act. The following is a list of exempt records most likely to be received or maintained by the University of West Georgia (UWG):~~

- ~~1. Documents specifically required by federal statute or regulation to be kept confidential, including student records protected by the Family Educational Rights and Privacy Act (FERPA); O.C.G.A. § 50-18-72(a)(1) and O.C.G.A. § 50-18-72(a)(37)~~
- ~~2. Records that reveal a Public Employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, unlisted telephone number if so designated in a public record, and the identity of the Public Employee's immediate family members or dependents. If records are requested which contain any of the information above but which also contain information that is not otherwise exempted from disclosure, the above information must be redacted prior to release of the record; O.C.G.A. § 50-18-72(a)(21)~~
- ~~3. Records maintained by UWG and associated foundations that contain personal information concerning donors or potential donors, except: the name of the donor and the amount of the donation shall be subject to disclosure if the donor or an entity in which the donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. O.C.G.A. § 50-18-72(a)(29). "Substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity; "transact business" means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any Third Party as an agent, broker, dealer, or representative in an amount exceeding \$10,000.00 in the~~

aggregate in a calendar year.

4. ~~Medical records; O.C.G.A. § 50-18-72(a)(2)~~
5. ~~Records consisting of confidential evaluations submitted to, or examinations prepared by, a government agency and prepared in connection with the appointment or hiring of a Public Employee; O.C.G.A. § 50-18-72(a)(7)~~
6. ~~Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the report has been presented to the appropriate UWG official for action or the investigation is otherwise concluded or terminated; O.C.G.A. § 50-18-72(a)(8)~~
7. ~~Real estate appraisals, engineering or feasibility estimates, or other records made for or by the state or a local agency relative to the acquisition of real property until such time the property has been acquired or the proposed transaction has been terminated or abandoned; O.C.G.A. § 50-18-72(a)(9)~~
8. ~~Pending, rejected, or deferred sealed bids or sealed proposals and any related detailed cost estimates until such time as the final award of the contract is made, the project is terminated or abandoned, or the BOR takes a public vote regarding the sealed bid or sealed proposal, whichever comes first; O.C.G.A. § 50-18-72(a)(10)~~
9. ~~Records that reveal an individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number, personal email address or cellular telephone number, and day and month of birth. If records are requested that contain any of the information above but which also contain information that is not otherwise exempted from disclosure, the above information must be redacted prior to release of the record; O.C.G.A. § 50-18-72(a)(20)(A).~~
10. ~~Media Exception: an individual's social security number and day and month of birth are subject to disclosure in response to a written Open Records Request that is signed under oath stating that the person or entity requesting the information is gathering it as a representative of a news media organization for use in connection with news gathering and reporting. Even in response to Open Records Request from the media, however, the Open Records Officers shall not release the social security number and day and month of birth of a Public Employee.~~
11. ~~Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to UWG, provided the person or business entity that wishes to keep such records confidential under this exemption, has submitted and attached to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets as defined in O.C.G.A. § 10-1-761; O.C.G.A. § 50-18-72(a)(34)~~
12. ~~Records consisting of questions, scoring keys, and other materials constituting a test that derives value from being unknown to the test taker prior to administration by UWG, provided the owner of the test has taken reasonable measures to protect the security and confidentiality of the test. O.C.G.A. § 50-18-72(a)(38)~~
13. ~~Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state Institutions of higher learning, or other governmental agencies, in the conduct of,~~

~~or as a result of, study or research on commercial, scientific, technical, or scholarly issues, where such data, records or information has not been publicly released, published, copyrighted, or patented. This exemption applies regardless of whether the study or research is sponsored by the university alone or in conjunction with a governmental body or private concern; O.C.G.A. § 50-18-72(a)(35)~~

- ~~14. Records, data, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of a university or any public or private entity supporting or participating in the activities of a university in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, until such information is published, patented, otherwise publicly disseminated or released; this exception shall apply to, but not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works; O.C.G.A. § 50-18-72(a)(36)~~
- ~~15. Records disclosing the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly or artistic issues conducted by a university whether sponsored by the university or in conjunction with a governmental body or private entity; O.C.G.A. § 50-18-72(a)(39)~~
- ~~16. If there are no records which are responsive to the "Open Records Request", UWG is not required to prepare reports, summaries, or compilations or create any new records not in existence at the time of the request. However, a request for electronic records, data or data fields may not be refused on the grounds that exporting the data will require inputting range, search, filter, report parameters or similar commands or instructions into the computer system when such commands are used in the ordinary course of business.~~

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.

F. 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.

G. 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.**

H. Assessment of Costs

~~The UWG will use the~~ most economical means reasonably available ~~shall be utilized~~ to identify and produce responsive ~~records, non-excluded documents~~ in accordance with **O.C.G.A. § 50-18-71(c)–(d)**. ~~Reasonable charges may be assessed for the search, retrieval, redaction, production or copying costs associated with complying with the request.~~

1. Estimated Costs

- i. ~~When the estimated cost of responding to the request exceeds \$25, the requestor must be notified of the estimated costs within a reasonable time, not to exceed three Business Days. The search and retrieval of the requested records may be deferred until the requester agrees to pay the estimated costs unless the requester has stated in their request a willingness to pay an amount that exceeds the estimated search and retrieval costs. The production of the documents, however, may not be delayed or conditioned upon receipt of the payment of the~~

~~estimated costs.~~

- ~~ii. When the estimated costs for the production of the requested records exceed \$500, the requestor must prepay the costs before the beginning of the search, retrieval, review, copying, or production of the records.~~
- ~~iii. A requester who did not pay for the cost of search, retrieval, redaction, or copying of records when such charges were lawfully incurred may be required to prepay the cost to produce any future requests for records until the costs for the prior production of records are paid. The Georgia Department of Law may authorize collection procedures for lawfully incurred charges.~~

~~2. Actual Costs and Fees~~

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

- i. If estimated costs exceed \$25, the requester will be notified within three (3) Business Days.
- ii. If estimated costs exceed \$500, prepayment is required before processing.
 - 1. **Search and retrieval** may be deferred unless the requester has indicated a willingness to pay a specific amount or agrees to pay estimated costs.
- iii. 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))

- ~~i. The fee for~~**Copying fees: \$0.10 per page** for standard letter- or legal paper copies ~~shall not exceed ten cents (\$0.10) per page for letter or legal-size documents.~~ For other ~~documents~~copies (e.g., blueprints, posters, etc.), the actual cost of copying/producing may be charged.
- ~~ii. The hourly charge for the~~**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, ~~copying, and production of records shall not exceed the prorated hourly salary 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 request~~etc.); the **first 15 minutes** are provided at no charge.
- ~~iii. No charge shall be made for the first quarter hour (15 minutes).~~
- ~~iv. For electronic records, the actual cost of the media (e.g., disk, thumb drive, etc.) on which the records or data are produced may be charged.~~
- v. **Electronic media: Actual cost** of materials used to produce records (e.g., flash drive, disk).
- vi. **Postage/Shipping: Actual cost** for mailed or shipped records.
- vii. **Certified copies: \$1 per page** for certification as a true and correct copy.

3. Optional Fees

~~Where policy or law authorizes fees for notarized copies, a sum shall include a fee of \$2 for performing the notarial act and a fee of \$2 for an attendance to make proof as a notary public and to certify if such certification is required. O.C.G.A. § 45-17-11 et seq.~~

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.

I. Violation of the Act

Failure to comply with ~~the requirements of~~ this procedure may result in disciplinary action up to and including termination in accordance with relevant University policies and ~~may result in~~ potential prosecution ~~in accordance with~~ under state law. ~~Employees are also subject to the following provisions of the Open Records Act O.C.G.A. § 50-18-74(a)~~

- ~~1. Any person or entity who knowingly and willfully fails or refuses to provide access to records not subject to exemption or within reasonable time limits, or who knowingly and willingly frustrates or attempts to frustrate the access to records by intentionally making records difficult to obtain or review is subject to conviction of a misdemeanor punishable by a fine not to exceed \$1,000.00 for the first violation, and a fine not to exceed \$2,500 may be imposed for each additional violation committed within a 12 month period from the date the first penalty or fine was imposed. It shall be a defense to the criminal action that a person has acted in good faith in his or her actions.~~
- ~~2. Persons or entities that destroy records to prevent their disclosure under the "Open Records Act" may be subject to felony prosecution under O.C.G.A. § 45-11-1.4.~~
- ~~3. Employees may be required to pay all criminal and civil fines associated with their actions.~~

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.

J. 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.

K. Exclusions

~~Nothing in this procedure shall change the manner in which subpoenas and formal judicial discovery requests are handled.~~

~~Nothing in this procedure shall change the manner in which the UWG complies with the Family Educational Rights and Privacy Act (FERPA).~~

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 ~~are the days between and including~~ include Monday ~~to~~ through Friday and ~~do not include~~ exclude official public holidays and weekends.

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

Institutions - ~~all colleges/universities and Units thereof~~ any college, university, or units under the governance and management of the University System of Georgia (USG) and its Board of Regents (BOR).

~~**Office of the Legal Affairs** - work Unit or individual with the responsibility for providing legal support to the institution.~~

Open Records Officer - the individual designated by the Institutional President to receive and coordinate oral ~~(verbal)~~ or written Open Records Requests. The individual may be ~~one of the following:~~ the official Custodian of Records, or ~~any other responsible~~ another designated official whose absence or unavailability would not delay the University's response to ~~the requests~~ a request.

Open Records Request - ~~an oral~~ a verbal or written request ~~made by a~~ submitted by any person, firm,

corporation, or ~~other~~ entity to ~~examine or copy a~~ inspect or obtain copies of public ~~record~~ records, in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).

Public Records - ~~all documents~~ any document, ~~papers~~ paper, ~~letters~~ letter, ~~maps~~ map, ~~books~~ book, ~~tapes~~ tape, ~~photographs~~ photograph, ~~emails~~ email, computer-based or generated information data, or similar material prepared ~~and~~, maintained, or received by a public office or agency in the course of ~~the~~ operation of a official business. A “public ~~office or~~ 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. ~~A~~ “public record” may also include items received or managed by a private person, firm, corporation or other private entity in performing a service or function for or on behalf of a public agency.

Public Employee - ~~a person~~ any individual employed by a government agency ~~(, including municipal, county, state, or federal~~ agency or agencies, as well as state ~~college or university~~) colleges or universities.

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

Unit - ~~all departments/offices thereof~~ any department, division, or office under the governance and management of the University of West Georgia (UWG).

University System of Georgia (USG) - ~~is a~~ collective body composed of the System Office, all public four-year institutions of higher education ~~Institutions~~, 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 ~~operations of~~ the University System of Georgia and its member institutions.

Guidelines/Related material

~~O.C.G.A. § 50-18-70 et seq~~

~~O.C.G.A. § 50-18-71 et seq~~

~~O.C.G.A. § 50-18-72 et seq~~

~~O.C.G.A. § 10-1-761~~

- : 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