

Greensboro Neighborhood Congress

Proposed Public Records Request Response Procedures for the City of Greensboro

1. Public Records Request Ombudsman

Create and maintain a designated point of contact within City staff to focus on public records requests. This “ombudsman” could be an existing City employee or position. The ombudsman would be supervised directly by one of the City attorneys. Ideally, requests would be submitted directly to the ombudsman by the public. If not, the City employee receiving a request would forward it to the ombudsman. The ombudsman would maintain a log of public records requests and respond to all inquiries concerning the status of a request or the application of these procedures.

2. Acknowledgment Letter from Ombudsman to Requester Within 5 Days

To issue within 5 days of the City’s receipt of a written public records request. This acknowledgment letter would communicate the date of receipt and outline these procedures for the requester, including the time frames as well as contact information for the ombudsman and information concerning the ombudsman’s role. This letter also would identify the attorney in the City Attorney’s office responsible for supervising the ombudsman and identify the City departments maintaining files that could possibly contain responsive documents.

3. Initial Substantive Response Letter to Requester Within 15 Days

This response will contain either:

A) notification of the non-existence of any requested documents and identification of the departments whose files were searched, if staff’s review is complete and no responsive documentation exists, or

B) copies of identified responsive documents (or an offer for the requester to arrange for prompt review and copying of the original files if they are voluminous), along with an explanation of which files (departments) were searched to locate the documents and giving specific reasons for the withholding of any document (e.g., privilege); also, for each withheld document, identification of the document by date, form, author(s), recipient(s), and departmental file(s) it is maintained in.

If all responsive documents have not been identified and furnished under section (B) above after 15 days from receipt, and staff requires an additional 30 days to complete the review, the response will include an explanation of why the additional 30 days is needed.

4. Follow-up Substantive Response Letter Within 45 Days

If the City’s review as to all documents was not complete at the time of the initial response letter issued within 15 days of receipt, within 45 days of receipt of the request a follow-up letter response shall issue indicating whether the City’s review is complete or not.

The 45-day response letter shall include copies of all responsive documents identified within 45 days that had not been previously furnished within 15 days (or an offer for the requester to arrange for prompt review of any voluminous original files), along with an explanation of which files (departments) were searched to locate the documents and giving specific reasons for the withholding of any document (e.g., privilege); also, for each withheld document, identification of the document by date, form, author(s), recipient(s), and departmental file(s) it is maintained in.

If the review is complete at the time of the 45-day letter and no responsive documents are believed to exist (with the exception of those furnished within 15 days), the 45-days letter shall state that, along with an explanation of which files (departments) were searched for documents and giving specific reasons for the withholding of any document (e.g., privilege); also, for each withheld document, identification of the document by date, form, author(s), recipient(s), and departmental file(s) it is maintained in.

If the review and furnishing of requested documents is not complete 45 days from receipt of the request, then the 45-day response letter shall explain why that is not the case and advise the requester that a hearing will be scheduled before City Council to review the circumstances (see section 5, below) within 30 days (but in no less than 5 days).

5. Public Hearing Before Council Within 75 Days

To the extent any review of potentially responsive documents is not complete within 45 days of the City's receipt of a public records request, the public records ombudsman shall work with the City clerk to schedule a public hearing to be convened at a Council meeting within 75 days of the City's receipt of the public records request, but not less than 5 days from the furnishing of written notice of the hearing to the requester of the public records. Written notice of the hearing shall be furnished to the requester as soon as possible once the hearing has been scheduled. The hearing may be cancelled if the City completes its response between the issuance of the 45-day letter and the convening of the hearing. At the hearing, the ombudsman shall explain to Council why the response could not be completed within 45 days of receipt and request direction and/or resources from the Council to allow the review to be completed as expeditiously as possible. At the public hearing, the requester (or any other interested person) shall have the opportunity to address the Council concerning the circumstances relating to the records request and the City's response to it. At the conclusion of the public hearing, the Council shall set a new target date for completion of the City's response. The ombudsman shall communicate the new target date to the requester. From the time of the public hearing until the response is complete, the requester shall be provided with the opportunity to communicate directly concerning the request with the attorney in the City Attorney's office who supervises the ombudsman. If the City's review is not complete by the new target date, another public hearing before Council shall be calendared within 30 days, as above, with the procedure for the second (and subsequent hearings) before Council on a public records request being the same as the procedure described above for the first (including the setting by Council of a new target completion date). The process shall repeat until the City's review is complete and the request has been fully responded to.

6. Publicizing of these Procedures

These procedures shall be disclosed on the City's web site and shall also be provided in writing to each person who submits a public records request to the City of Greensboro.