

## PUBLIC RECORDS POLICY – CITY OF MARION

**Statement of Policy:** The City of Marion endeavors to fully and enthusiastically comply with the laws of the State of North Carolina mandating the timely release of information upon request by members of the general public, subject to appropriate confidentiality guidelines established by state and federal law.

1. Request To Be In Writing: All requests by members of the general public for the disclosure of information pursuant to Chapter 132 of the General Statutes shall be made in writing, dated, and signed by the requester, with the exact records requested listed as specifically as possible. These written requests shall be submitted to the City Manager, who shall cause the request to be noted with the time and date of receipt. Failure for the requester to provide their name shall not in itself authorize the City to refuse to comply with the records request, as long as adequate information is provided to allow the requester to be contacted; however, provision of contact information, to the degree provided by the requester, is encouraged and is necessary to allow for the requested information to be sent or for contact to be made regarding the request. For minor or routine requests, the City Manager may, in his discretion, waive the requirement for written requests.

2. Timely Compliance by City Officials: When possible, the records requested shall be disclosed in the manner set forth in Chapter 132 within five (5) working days. If for any reason the records cannot be delivered within this period, or should the City Manager determine that the request is seeking information which may not be disclosed pursuant to the law of North Carolina or the United States, the City Manager shall authorize additional time to comply with the request. If the City Manager determines that the request is seeking information which may not be disclosed pursuant to the law of the State of North Carolina or the United States of America, the City Manager shall advise the requester in writing of the refusal of the City to comply with a portion or all of the request, and the express reason for declining to publish the information. If the City Manager deems that additional time for compliance is required, the City Manager shall advise the requester in writing of the estimated time of delivery. Depending on the nature of the request, the City Manager may elect to seek the guidance of the City Attorney

3. Objection to City Manager Response: If the requester of the information believes that the City's position is unreasonable or incorrect with respect to the timing of the delivery of the information, or the refusal to release information, the objection shall be placed in writing, signed, and dated, and delivered to the City Manager. Upon receipt of such an objection, the City Manager may reconsider his or her position, or may defer the matter to the consideration of the City Council, as the City Manager deems appropriate.

4. Records of Public Information Request Activities: The City Clerk shall cause records to be maintained of all requests for public information made of the City of Marion pursuant to this policy, and of the responsive actions taken by City employees. These records shall be fully disclosed to members of the general public upon appropriate request.

**Adopted** by the City Council of the City of Marion this the 3<sup>rd</sup> day of April, 2007.

**Policy Number: P-07-04-03-01**