



OPEN RECORDS ACT - APPLICATION TO SCHOOL COUNCILS

1. School Councils Are Subject To The Open Records Act [O.C.G.A. 20-2-86 (l)].
2. Public Record – All Documents, Papers, Letters, Maps, Books, Tapes, Photographs, Computer Based Or Generated Information, Or Similar Material Prepared And Maintained Or Received In The Course Of The Operation Of The School Council.
3. All Public Records Are Open Unless Otherwise Provided By Law Or Court Order.
4. Access To Records
 - A. Open Records Shall Be Open For Personal Inspection By Any Citizen At A Reasonable Time And Place,
 - B. Individuals In Charge Of Public Records Shall Not Refuse This Privilege To Any Citizen,
 - C. School Employees Are Not Required To Prepare Reports, Summaries, Or Compilations That Do Not Exist At The Time Of The Request,
 - D. Records Which Are Maintained By Computer Shall Be Made Available Where Practicable By Electronic Means, Including Internet Access, Subject To Reasonable Security Restrictions,
 - E. The Secretary Shall Be Responsible For Recording All Votes And Minutes Of All Proceedings In The Books To Be Kept For That Purpose [O.C.G.A. 20-2-86 (j)(3)], and
 - F. The Minutes Of The School Council Shall Be Made Available To The Public, For Inspection At The School Office, And Shall Be Provided To The School Council Members, Each Of Whom Shall Receive A Copy Of Such Minutes Within 20 Days Following Each School Council Meeting. [O.C.G.A. 20-2-86 (l)].
5. Copies & Photographs Of Public Records
 - A. Individuals Who Have Access To Public Records Also Have The Right To Make Photographs Or Reproductions Of The Public Record While In The Possession Of The School Employee,
 - B. The School Employee Who Is The Custodian Of The Record Has The Right To Adopt And Enforce Reasonable Rules Regarding Copying And Photographing Records,
 - C. Schools May Charge For Making Reproductions Of The Public Record At A Rate Agreed Upon,
 - D. The Agency May Charge A Uniform Copying Fee Not To Exceed 25 Cents Per Page,
 - E. A Reasonable Charge May Be Collected For Research, Retrieval, And Other Direct Administrative Costs For Complying With The Request. An Hourly Charge Shall Not Exceed The Salary Of The Lowest Paid Full-Time Employee Who, In The Discretion Of The School Employee, Has The Necessary Skill And Training To Perform The Request; No Charge Shall Be Made For The First ¼ Hour,
 - F. For The Public Record Requested That Is Maintained By Computer, The Actual Cost Of The Computer Disk Onto Which The Information Is Transferred May Be Charged, As Well As A Charge For The Administrative Time Involved As Described Above,
 - G. The School Shall Use The Most Economical Means Available For Providing Copies,
 - H. The Agency Is Required To Notify The Individual Requesting Copies Of The Public Record Of The Estimated Costs Prior To Fulfilling The Request, and
 - I. Should A Person Not Pay The Costs For Copying And Retrieval, The School May Collect The Fees As Provided For By Law.
6. Time Requirements To Provide Public Records
 - A. Individual In Charge Of The Public Record Shall Have A Reasonable Amount Of Time To Determine Whether Or Not The Record Requested Is Subject To Inspection And Copying – Not To Exceed Three Business Days and
 - B. If Records Exist But Are Not Available Within Three Business Days, A Written Description Of Such Records And A Timeline For Inspection And Copying Shall Be Provided Within The Three Business Days.
7. Public Record Or Portion Of A Public Record Which May Not Be Disclosed
 - A. Records Required To Be Kept Confidential By Federal Law,
 - B. Medical Records, The Disclosure Of Which Would Be An Invasion Of Personal Privacy,
 - C. Confidential Evaluations Submitted To, Or Examinations Prepared By, A School Or School System And Prepared In Connection With The Appointment Or Hiring Of An Employee,



- D. Records Consisting Of Material Obtained In Investigations Related To The Suspension, Firing, Or Investigation Of Complaints Against Employees Until 10 Days After The Same Has Been Presented To The School System For Action Or The Investigation Is Otherwise Concluded Or Terminated,
- E. Records Identifying Persons Applying For Or Under Consideration For Employment Or Appointment As Local School Superintendent Until 14 Calendar Days Prior To The Meeting At Which Final Action Or Vote Is To Be Taken On The Position, At Which Time The Agency Shall Release All Documents Which Came Into Its Possession With Respect To As Many As Three Persons Determined To Be The Best Qualified For The Position From Among Whom The Agency Intends To Fill The Position Under Consideration. Records From Other Applicants Are Not Required To Be Released,
- F. Individual's Social Security Number And Insurance And Medical Information In Personnel Records Should Be Redacted From Such Records,
- G. Records That Reveal Home Address, Home Telephone Number, Social Security Number Of Or Insurance Or Medical Information About Teachers And Employees Of Schools,
- H. Individual's Social Security Number, Mother's Birth Name, Credit Card Information, Debit Card Information, Bank Account Information, Financial Data Or Information, And Insurance Or Medical Information In All Records, And If Technically Feasible At Reasonable Cost, Day And Month Of Birth, Except Under Certain Circumstances This Information May Not Be Redacted To Certain Representatives Of The News Media,
- I. Records Regarding Attorney-Client Privilege Pertaining To Pending Or Potential Litigation Settlement, Claims, Administrative Proceedings Or Other Judicial Actions Brought Or To Be Brought By Or Against The Agency Or Any Employee,
- J. Attorney Work Product, and
- K. Open Records Act Is "Narrowly" Interpreted To Exclude From Disclosure Only That Portion Of A Public Record To Which An Exclusion Is Directly Applicable. All Other Portions Of The Record Are To Be Made Available.

NOTE: Other Records Not Pertinent To Schools May Be Closed.

- 8. Procedures For Denying A Record In Whole Or In Part
 - A. Within Three Business Days, Specify Legal Authority For Exempting A Record From Disclosure; Must Be Within The Exceptions Listed Above.
- 9. Violations Of The Open Records Act
 - A. Anyone Who Knowingly And Willfully Fails Or Refuses To Provide Access To Records Not Subject To Exemption And Within The Timelines Set Forth Is Guilty Of A Misdemeanor And Upon Conviction, Punished By A Fine Not To Exceed \$100,
 - B. Superior Courts Have Jurisdiction To Enforce The Open Records Law; Attorney General Has The Authority To Bring Law Enforcement Actions, Criminal Or Civil,
 - C. If A Superior Court Determines That A School Council Has Not Complied With The Act, The Court Shall - Unless Special Circumstances Exist - Assess In Favor Of The Complaining Party Reasonable Attorney's Fees And Other Litigation Costs, and
 - D. Agency Which Provides Access To Information In Good Faith Shall Not Be Liable.

The complete Open Meeting Law can be found in Chapter 14 of Title 50 O.C.G.A.

The complete Open Records Statues are in Chapter 18 of Title 50 O.C.G.A.