Public Records Request Policy

Town Manager Approval

Date

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1. PURPOSE

1.1 The Town of Hillsborough recognizes the need to establish a formal policy that outlines public records requests, procedures, and related fees. This policy is to establish a clear definition of public records. Additionally, it establishes fees and procedures for public records requests.

1.2 This policy is intended to provide guidance to town officials, employees, and the public. It does not create any contractual or vested rights. In administering this policy, the town will comply with all applicable provisions of the North Carolina General Statutes, federal law, and duly adopted local ordinances and resolutions. In the event of any conflict between this policy and applicable law, the law prevails. Nothing in this policy limits the authority of the town board or town manager to modify practices or procedures as permitted by law.

2. DEFINITIONS

2.1 **Public records:** All documents, paper, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. By statute, certain items are exempt from public access. Records will be retained in accordance with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Natural and Cultural Resources (as defined by N.C.G.S. 132-1).

Sometimes public agencies receive requests for information, which may be found in various records, or which is known but not made part of any record. The obligation under the law is to provide access to or copies of records that exist. N.C.G.S. 132-6.2(e) specifically states that a public agency is not required to respond to records requests by "creating or compiling a record that does not exist."

2.2 **Custodian of the records:** The official in charge of the office that holds the public record, typically the department head or their designee or the town clerk.

2.3 **Extensive public records request:** When the nature or volume of the public records requested to be inspected, examined, or copied requires use of information technology resources and/or labor time required of clerical or supervisory employees that exceeds four (4) hours, the particular use of such resources is considered extensive.

2.4 **Fulfillment Time:** The amount of time, including but not limited to search, locate, collect, sort, copy, prepare and deliver the records requested. Also includes personnel attendance, if required, during onsite inspection of records.

2.5 **Special Service Charge:** NCGS 132-6.2(b) authorizes public agencies to charge a "special service charge" for requests involving extensive use of information technology resources or extensive clerical and/or supervisory assistance. As it relates to this policy a "Special Service Charge" is assessed for any public records request in which fulfillment time exceeds four (4) hours.

3. PROCEDURES

3.1 Requests for public records may be submitted via the Town of Hillsborough's website. The request should include the name, address, email address and telephone number of the requesting party. The request must be specific enough to enable the custodian to provide the public record.

3.2 After receiving the request, the town clerk will provide an acknowledgement of the request within seven (7) business days. For requests that do not require extensive research or use of information technology or extensive clerical resources, the town clerk will provide a follow-up response to the request as soon as possible, normally within ten (10) business days of receipt. If the request is received after 5 p.m., the request will be considered received on the next business day.

In the follow-up response, the town may:

- Provide the records (or a link to the portion of the website or other electronic site that contains the records).
- Request clarification.
- Provide a reasonable estimate of time that it will take to produce the records (if the documents aren't readily available). Estimates may be reasonably adjusted when circumstances require.
- Give estimated timeframes for delivery of extensive requests. The town may have to produce the records on a partial or installment basis. The town will provide the estimated timeframes for each incremental delivery.
- Deny the request and provide an explanation of the basis for the denial.

3.3 The town clerk will forward the request to the custodian(s) responsible. The town clerk will notify the town manager and/or assistant town manager of any extensive public records request.

3.4 The custodian(s) of the records should respond to the request as promptly as possible, through the town clerk, with the timeframe for response dependent upon the complexity of the request.

3.5 The custodian(s) shall provide the records to the town clerk. The custodian is responsible for ensuring that non-public, exempt or confidential records are excluded from the request. If the custodian(s) has a concern whether the request complies with NCGS Chapter 132, they will consult with the town clerk, who will forward the record to the town attorney for review and clarification.

3.6 The town clerk is responsible for providing a written response directly to the requestor. In some situations, the town manager or the town attorney may provide the response, but the town clerk must be provided with a copy for record-keeping.

3.7 Requests must include the method of delivery and/or viewing. Certified copies, regular copies, postage, shipping and flash drives will be charged in accordance with Section 4.1 Schedule of Public Records Request Fee Types.

3.8 If town staff determines costs are expected to exceed $100.00 or the fulfillment time is anticipated to exceed four (4) hours, the town clerk's office must be notified.

3.9 If costs are expected to exceed $100.00 or the fulfillment time is expected to exceed four (4) hours, a cost estimate will be provided to the requestor from the town clerk's office. The requester shall determine if they want to revise their request or accept the costs. Requestor approval and payment must be made prior to the beginning of the work.

3.10 Labor shall be tracked in 15-minute increments and billable at $40 per hour, plus listed costs of digital and printed reproduced media. The labor charge and billing shall begin after the first four (4) hours of labor to comply with the request.

3.11 If costs exceed the initial estimate, the requestor will be notified by the town clerk's office. Additional

approval and payment will be obtained prior to continuing work towards completion of the request.

3.12 If the requestor chooses to inspect the records in person rather than obtain copies, the town clerk will notify the requester when the records are available for inspection, and any applicable fees will be paid prior to the review. The viewing of public records may be done only during normal business hours.

4. FEES

4.1 Schedule of Public Records Request Fee Types

Fee Type	Charge Amount
Certified Copies	See Town Fee Schedule
Non-Certified Copies	See Town Fee Schedule
Flash Drive	See Town Fee Schedule
Postage or Shipping	See Town Fee Schedule
Special Service Charge (Section 2.5) (time of fulfillment exceeding 4 hours)	See Town Fee Schedule ($40/hour)
Prepayment is required if total fees are estimated to exceed $100.00 or a Special Service Charge is assessed.	

4.2 If the fulfillment time of a public records request takes more than four (4) hours, the town will assess a Special Service Charge in accordance with the Town of Hillsborough Fee Schedule.

5. RECORDS EXEMPT FROM PUBLIC ACCESS

5.1 The following is a partial list of records exempt from public access. Below are exemptions that typically apply to municipalities. Other records may also be exempt from public disclosure.

5.1.1 Personnel records (G.S. 160A-168)

5.1.2 Criminal investigation records (G.S. 132-1.4)

5.1.3 Attorney-client consultations (G.S. 132-1.1 (a))

5.1.4 Trade secrets or confidentialities of third parties (G.S. 132-1.2)

5.1.5 Tax records containing information about taxpayer's income or receipts (G.S. 160A-208.1)

5.1.6 Minutes of closed session meetings (G.S. 143-318.10(e))

5.1.7 Water and sewer customer billing information (G.S. 132-1.1(c) and G.S. 132-1.2 (2))

5.1.8 Social security numbers and other identifying information (G.S. 132-1.10)

5.1.9 Economic development information (G.S. 132-6(d))

5.1.10 Personal records (not related to the transaction of public business)

6. DATE OF APPLICABILITY

6.1 Special service charges may be retroactively applied to any open public records request submitted on, or after November 1, 2026.