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**ADMINISTRATIVE REGULATION
NUMBER** 023

OPR: LEGAL

PUBLIC RECORDS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, procedures, and responsibilities for requesting, disclosing, and providing public records.

II. POLICY

It is the policy of the ADOC to promptly respond to properly submitted Public Record Requests and, upon receipt of prepayment of applicable fees, to disclose and provide ADOC Public Records to residents permanently domiciled in Alabama in accordance with applicable federal and state laws.

III. DEFINITIONS AND ACRONYMS

- A. **Actual Costs**: All reasonable costs incurred by ADOC to provide the requested Public Records.
- B. **Certification**: A signed verification that a Public Record is a true copy by the employee to whose custody the original is entrusted.
- C. **Labor**: The time reasonably necessary to provide the requested Public Records, including the time spent locating (including searching through both paper files and electronic databases), retrieving, reviewing, and providing the Public Records.
- D. **Processing Fee**: Non-refundable cost of \$20.00 for processing a Public Records Request, which will cover the first hour of labor involved in locating and

providing the requested Public Records, that must be received before work commences on processing the Public Records Request.

- E. **Public Records**: Documents, papers, letters, maps, books, tapes, photographs, computer-based or -generated information, or similar material prepared, maintained, or received in the course of the normal operation of ADOC that are reasonably necessary to record the businesses and activities of ADOC.
- F. **Public Records Coordinator**: The ADOC employee responsible for coordinating ADOC responses to Public Records Requests.
- G. **Public Records Request**: A request to physically inspect or copy a Public Record.
- H. **Requesting Party**: The individual who submits the Public Records Request.
- I. **Standard Request**: A Public Records Request that ADOC determines seeks specifically and discretely identified Public Records that requires no or minimal clarification by the Requesting Party that would take less than an estimated eight (8) hours of ADOC staff time to process. This includes the time needed to identify and retrieve any responsive Public Records and to withhold information not subject to public disclosure.
- J. **Time-Intensive Request**: A Public Records Request that ADOC determines would take more than an estimated eight (8) hours of ADOC staff time to process. This includes the time needed to identify and retrieve any responsive Public Records—including because the Public Records Request is vague, ambiguous, overly broad, or unreasonable—and to withhold information not subject to public disclosure.

IV. **RESPONSIBILITIES**

- A. The ADOC Commissioner (or designee) is responsible for making the final determination for all appeals related to the denial of Public Records Requests.
- B. The ADOC General Counsel is responsible for designating and supervising the Public Records Coordinator.
- C. The Public Records Coordinator is responsible for:
 - 1. Receiving, processing, and responding to all Public Records Requests.
 - 2. Ensuring prompt and timely responses to Public Records Requests.

3. Ensuring that all applicable fees for Public Records Requests are assessed and collected before Public Records are processed, disclosed, or provided to the Requesting Party.
 4. Assisting ADOC employees with identifying Public Records that are responsive to approved Public Records Requests.
 5. Coordinating the disclosure of Public Records that are responsive to approved Public Records Requests.
 6. Coordinating with the General Counsel to determine whether ADOC records are responsive to a Public Records Request or contain information not subject to public disclosure.
- D. The Chief Financial Officer (or designee) is responsible for ensuring the deposit of payments for Processing Fees and Actual Costs into the appropriate fund.
- E. The Division Director (or designee) from each division is responsible for ensuring the compilation and certification of Public Records from that division that are responsive to approved Public Records Requests.
- F. The Warden (or designee) at each facility is responsible for ensuring the compilation and certification of Public Records from that facility that are responsive to approved Public Records Requests.
- G. All ADOC employees are responsible for complying with the contents of this AR.

V. PROCEDURES

- A. Submitting Public Records Requests.
1. The Requesting Party shall submit Public Records Requests in writing on a properly completed ADOC Form 023-A, *Public Records Request Form*, to the Public Records Coordinator.
 2. The Requesting Party shall include the following information on ADOC Form 023-A, *Public Records Request Form*, before the Public Records Coordinator may consider it to be properly completed Public Records Request.
 - a. The Requesting Party's information.
 - b. The specific and detailed description and identification of the requested Public Records.
 - c. The proposed use of the requested Public Records.

- d. The preferred format to receive the requested Public Records.
 - e. The option to receive a certification with the requested Public Records.
 - f. The Requesting Party's signature attesting that the Requesting Party has read and is in compliance with this AR and applicable state and federal laws.
3. The Requesting Party shall submit a properly completed ADOC Form 023-A, *Public Records Request Form*, through one of the following methods:
- a. Via e-mail to: public.records@doc.alabama.gov.
 - b. Via hand-delivery to:

Alabama Department of Corrections
ATTN: Public Records Coordinator, Legal Division
301 South Ripley Street
Montgomery, Alabama 36104
 - c. Via U.S. mail to:

Alabama Department of Corrections
ATTN: Public Records Coordinator, Legal Division
Post Office Box 301501
Montgomery, Alabama 36130-1501
 - d. Via electronic submission on ADOC's public website: doc.alabama.gov.
4. The Requesting Party shall not submit Public Records Requests through telephone, fax, or other methods not provided in Section V.A.3. above.
5. The Public Records Coordinator shall not process or respond to any Public Records Requests that are improperly submitted.
6. The Public Records Coordinator shall consider Public Records Requests as improperly submitted if the Requesting Party:
- a. Submits a Public Records Request that does not comply with this AR or applicable state and federal laws.
 - b. Submits a Public Records Request that requests information that is not a Public Record.

- c. Submits a Public Records Request that requests Public Records for an illegitimate, improper, or illegal purpose.
 - d. Fails to submit a Public Records Request directly to the Public Records Coordinator.
7. Any ADOC division or facility in receipt of an improperly submitted Public Records Request shall immediately:
 - a. Record the date and the division or facility in which the improperly submitted Public Records Request was received.
 - b. Forward that improperly submitted Public Records Request to the Public Records Coordinator through one of the methods provided in Section V.A.3.a.–b. above.
8. The Public Records Coordinator shall have the discretion to take actions that are reasonably necessary to ensure the businesses and activities of the ADOC are carried on efficiently and without undue interference.

B. Processing Fees.

1. The Public Records Coordinator shall assess a Processing Fee for all Public Records Requests.
2. The Requesting Party shall include payment for the Processing Fee, which indicates both the Public Records Request and the Requesting Party with which it is associated, with the submission of the ADOC Form 023-A, *Public Records Request Form*.
 - a. The Requesting Party electronically submitting a Public Records Request shall submit payment for the Processing Fee on the same day that Requesting Party electronically submits the Public Records Request.
4. The Requesting Party shall submit payment for the Processing Fee by either:
 - a. Business Check.
 - b. Cashier's Check.
 - c. Money Order.
5. The Public Records Coordinator shall not commence work on processing the Public Records Request until the Public Records Coordinator receives total payment for the Processing Fee.

6. A Requesting Party who submits payment that is not paid or honored by a financial institution may be:
 - a. Reported to the appropriate authorities for prosecution.
 - b. Required to pay any applicable non-sufficient funds fees or charges.
 - c. Required to pay any future costs using certified funds.
7. The Public Records Coordinator shall not require a Requesting Party to submit payment for the Processing Fee if that Requesting Party is either:
 - a. A correctional agency.
 - b. A law enforcement agency.
 - c. An inmate currently within ADOC custody who is requesting routine documentation from that inmate's Inmate Central Records File.

C. Acknowledgment of Receipt.

1. The Public Records Coordinator shall provide the Requesting Party with an acknowledgement of receipt of a properly submitted Public Records Request within ten (10) business days from receipt.
 - a. The Public Records Coordinator may include in the acknowledgment of receipt of a properly submitted Public Records Request a request to the Requesting Party to submit the mandatory Processing Fee.
 - b. The Public Records Coordinator may provide the Requesting Party with a reasonable timeframe for the Requesting Party to submit the mandatory Processing Fee.
2. The Public Records Coordinator shall not be required to provide the Requesting Party with an acknowledgment of receipt of an improperly submitted Public Records Request.
 - a. The Public Records Coordinator may provide the Requesting Party with an acknowledgment of receipt of an improperly submitted Public Records Request that advises the Requesting Party that the Public Records Coordinator will not process the improperly submitted Public Records Request unless and until the Requesting Party properly submits an amended Public Records Request that contains all required information.

- b. The Public Records Coordinator may provide the Requesting Party with a reasonable timeframe for the Requesting Party to submit an amended Public Records Request that contains all required information.

D. Assessing Actual Costs.

1. The Public Records Coordinator shall forward approved Public Records Requests to the appropriate Division Director/Warden (or designee) who is responsible for compiling and certifying Public Records from that division or facility to begin locating the requested Public Records.
2. The Division Director/Warden (or designee) shall locate the requested Public Records and provide the Public Records Coordinator with the estimated labor and costs involved in locating and providing the requested Public Records.
3. The Public Records Coordinator shall include the costs for the following items when assessing Actual Costs:
 - a. The total number of hours of labor involved in locating and providing the requested Public Records.
 - b. The total number of copies required to provide the requested Public Records.
 - c. The total number of compact discs required to provide the requested Public Records.
 - d. The total number of jump drives required to provide the requested Public Records.
 - e. The total postage cost required to provide the requested Public Records via U.S.P.S. First-Class Mail.
 - f. Any other costs associated with locating, disclosing, and providing the requested Public Records.
4. The Public Records Coordinator shall prepare and provide the Requesting Party with ADOC Form 023-B, *Public Records Request Invoice*, with the initial estimated Actual Costs:
 - a. As soon as practicable from providing the Requesting Party with an acknowledgement of receipt of a Standard Request.
 - b. Within fifteen (15) business days from providing the Requesting Party with an acknowledgement of receipt of a Time-Intensive Request.

- (1) The Public Records Coordinator shall also include the reasons why that Public Records Request qualifies as a Time-Intensive Request.
 5. The Requesting Party shall submit to the Public Records Coordinator within fifteen (15) business days from the date the Public Records Coordinator provides ADOC Form 023-B, *Public Records Request Invoice*, to the Requesting Party either:
 - a. Payment for the Actual Costs in the same manner as payment for the Processing Fee in accordance with Section V.B. above.
 - b. A request to withdraw the Public Records Request.
 - c. A request to withdraw a Time-Intensive Request and submit a Standard Request instead, which would not require the Public Records Coordinator to assess an additional Processing Fee.
 6. The Public Records Coordinator shall prepare and provide the Requesting Party with ADOC Form 023-B, *Public Records Request Invoice*, with the final Actual Costs once the Public Records are ready for disclosing or providing, if the final Actual Costs are different from the initial estimated Actual Costs.
 7. The Public Records Coordinator shall deny a Public Records Request if payment for the Actual Costs is not properly received within fifteen (15) business days from the date included on the ADOC Form 023-B, *Public Records Request Invoice*.
 8. The Public Records Coordinator shall not provide the Requesting Party with the requested Public Records until the Public Records Coordinator receives total payment for all Actual Costs.
 9. The Public Records Coordinator shall not require a Requesting Party to submit payment for the Actual Costs involved in providing the requested Public Records if that Requesting Party is either:
 - a. A correctional agency.
 - b. A law enforcement agency.
- E. Certification of Public Records.
1. The Public Records Coordinator shall assess a fee for all Certification Requests.

2. The Requesting Party shall include payment for the Certification Request with the submission of and in the same manner as payment for the Processing Fee in accordance with Section V.B. above.
3. The Public Records Coordinator shall notify the Division Director/Warden (or designee) who is responsible for compiling Public Records from that division or facility that the Requesting Party included a Certification Request on ADOC Form 023-A, *Public Records Request Form*.
4. The Division Director/Warden (or designee) who is responsible for compiling Public Records from that division or facility shall complete and provide ADOC Form 023-C, *Public Records Request Certification*, along with the requested Public Records to the Public Records Coordinator.
5. The Public Records Coordinator shall provide the Requesting Party with the completed ADOC Form 023-C, *Public Records Request Certification*, along with the requested Public Records if that Requesting Party also requested and submitted payment for a Certification Request.

F. Receipt of Payments.

1. The Public Records Coordinator shall maintain a list and a copy of all payments received for Processing Fees and Actual Costs on each Public Records Request.
2. The Public Records Coordinator shall submit all payments received for Public Records Requests to the ADOC Chief Financial Officer (or designee).

G. Format of Disclosing or Providing Public Records.

1. The Public Records Coordinator shall have the discretion to regulate the format of disclosing or providing Public Records.
2. The Public Records Coordinator shall take reasonable steps to provide the Requesting Party with the requested Public Records in the same format that the Requesting Party indicated on ADOC Form 023-A, *Public Records Request Form*.

H. Inspection of Public Records.

1. The Public Records Coordinator shall notify the Requesting Party requesting the personal inspection of the requested Public Records:
 - a. Whether the requested Public Records are available for personal inspection.