

Georgia State Financing & Investment Commission
Records Department
Frequently Asked Questions

How should my certified check or money order be made payable?

Money orders and certified checks should be made payable to “GSFIC”.

What is the Georgia Open Records Act?

It is a state law requiring that public records be open and available for inspection by any member of the public. The intent of Georgia’s Open Records Act is to allow for open government. Generally, all records maintained by a public agency shall be made available to the public for review.

What is a public record?

The Act define “public records” as “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 a public office or agency”. “Public records” also include items received or maintained by a private person on behalf of a public office or agency if those items are not otherwise subject to protection from disclosure. The Act also provides that it shall be interpreted so as to “disallow an agency’s placing or causing such items to be placed in the hands of a private person or entity for the purpose of avoiding disclosure.”

Who can make an Open Records Request?

Any citizen of Georgia has standing to request an inspection of any public record. It is not necessary that the individual show a special or personal interest in the public record in order to gain access to it.

What obligation does the Open Records Act place on GSFIC?

The agency’s obligation is to provide access to existing public records in its custody or under its control, including documents the agency itself has generated and those it receives and maintains in the course of its operation. The law does not require that an agency generate a record which does not exist at the time of the request, nor is the agency required to compile the information requested into a single document.

Is a public agency required to provide access to all documents in its possession or under its control?

A public agency is not required to provide access to records that have been specifically exempted under the Act. However, the Open Records Act presumes that all documents in a public office are open for public inspection. Consequently, the burden is on the Custodian of Records to demonstrate that the materials requested are exempt from disclosure under the Act. If a public record contains both exempt and non-exempt material, the exempt portion must be segregated and the remaining non-exempt material disclosed.

Are there documents that are exempt from disclosure under the Open Records Act?

There are exemptions, but they are limited and have been interpreted very narrowly by the courts. The law presumes all records are open and places the burden on the agency to demonstrate that any requested materials fall within one of the limited exemptions. If a public record contains both exempt and non-exempt material, the exempt portion must be redacted and the remaining non-exempt material disclosed. The exemptions contained in the Open Records Act that are most relevant to the Georgia State Financing & Investment Commission are:

- Records that are specifically required by the federal government to be kept confidential;
- Records of regulatory agencies in any pending investigation or prosecution of unlawful activity
- Confidential evaluations or examinations prepared in connection with the appointment, hiring, or firing of a public employee
- Engineering estimates relative to the acquisition of real property while the transaction is still pending
- Engineer's cost estimates and pending bids or proposals until such time as the final award of a contract is made or the project is terminated
- Confidential communications between the agency and its legal counsel

Are personnel files subject to disclosure under the Open Records Act?

Yes. However, there may be material in the personnel file such as medical information or information relating to beneficiaries which is exempt from disclosure.

Are performance evaluations subject to disclosure under the Open Records Act?

Yes. There is no exemption that would protect such documents from disclosure.

Are e-mails I send and receive subject to disclosure under the Open Records Act?

Yes. Any e-mail sent or received on GSFIC owned equipment, no matter where it is located, or through private equipment located on GSFIC property, is subject to disclosure regardless of whether the communication is private or is related to state business.

Can I ask that reports or other documents be created and put in a particular format for me?

No, a public officer or agency is not required to prepare reports, summaries, or compilations not in existence at the time of the request. However, where a request is merely asking for a printout of information contained in an electronic format and there is no major programming required for the production of that information, that information is subject to being produced in response to an Open Records request.

As a GSFIC employee, what is my responsibility to preserve public records?

Although other federal and state law requires the agency to maintain records for a period of years, no particular records are required to be maintained by the Georgia Open Records Act until they have been requested. Once they are the subject of a request, records may not be erased, shredded, or otherwise disposed of under the penalty of law.

Must the agency notify employees named in records being disclosed?

While there is no such requirement in the law, the agency will do its best to notify employees whose performance evaluations or personnel files are being released under an Open Records request.

What is the responsibility of the Custodian of Records under the Open Records Act?

The Custodian of Public Records at the Georgia State Financing & Investment Commission is the Records Manager. It is the custodian's responsibility to review and respond to all requests for public records received by the agency and to maintain a record of the requests and the agency's response. The Custodian of Public Records reviews each request to determine if the requested documents are subject to disclosure under the Open Records Act. In addition, the custodian reviews the requested documents to determine if they contain any information that is exempt from disclosure. If the requested documents contain any exempt information, the custodian redacts or removes that information prior to releasing the documents.

Because of the extremely short response time (3 business days) provided by the Open Records Act, all Open Records requests should be referred to the Custodian of records immediately upon receipt. Questions about the Open Records Act should be addressed to the Custodian of Records.

What are the Office Hours?

Regular office hours on all business days, excluding Saturday, Sunday, and official State holidays, are from 8:30 a.m. to 4:45 p.m. Records may be inspected during these hours.

Directions are available.

Where are the GSFIC Records Located?

All GSFIC active records are located in the GSFIC Records Department located on the third floor of the building located at 270 Washington Street, Atlanta. If non-active files are needed, or records are requested from other departments within GSFIC, Department the Records staff will coordinate the gathering of the requested documents. Gathering documents from locations outside the GSFIC Records Department may take additional time. You will be notified of the time anticipated for the receipt of these documents in our response to your open record request.

How long does it take to retrieve documents if they are not currently in the GSFIC Records Department?

It depends upon the availability of staff, where the documents are located (and in how many different locations) and the volume of information needed. GSFIC Records Department will do its best to give you an accurate estimate of when you can expect to receive records. GSFIC will also release records to you as it is received by GSFIC, so that you need not wait for all of your requested records to become available to begin your review.

How long does an agency have to respond to an Open Records Request?

Under the Act, the custodian of public records has only three (3) business days in which to respond to an open records request.

Can the agency charge the requesting party for copies of these records and the time involved in completing the search?

The Act provides that an agency may charge a copying fee not to exceed \$0.25 per page. The agency may also charge for the direct administrative cost associated with the request. However, the agency cannot charge for the first quarter-hour, and the hourly charge cannot exceed the salary of the lowest paid full-time employee capable of performing the search. GSFIC will provide an estimate of all charges to you when responding to your open record request.

Charges and Fees:

In accordance with the guidelines contained in OCGA § 50-18-71, fees shall be charged for the provision of access to and the copying of public records. Fees for copies shall equal the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required.

Generally, GSFIC will charge the following fees for production of records:

Non-Certified Copies: \$0.25 per page

Addition for Certified Copies: \$2.90 per page

Addition for mailing (single letter weight): Postage at Cost

Fax (outgoing only): \$1.25 per page

Computer CD/Disk: \$10.00 per disk

Oversize Drawing Fee: \$2.50 per page

Color print copies: \$1.00 per page

Video tapes: \$12.00 each

Audio tapes: \$10.00 each

No original records shall be removed from the custody of the Georgia State Financing & Investment Commission without written permission from the official custodian.

Who do I contact to make a request?

Katy Pando, Director of Communications

The Georgia State Financing & Investment Commission

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