

Georgia State Financing & Investment Commission

Open Record

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 and transparent 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, CD’s, DVD’s, photographs, computer based or generated information data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.’.

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 GSFIC 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 GSFIC required to provide access to all documents in its possession or under its control?

GSFIC 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 Director of Legal Services 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 redacted 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 record 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 record request.

What is the responsibility of the Director of Legal Services under the Open Records Act?

The Custodian of Public Records at the Georgia State Financing & Investment Commission is the Director of Legal Services. It is the Director'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 Director of Legal Services reviews each request to determine if the requested documents are subject to disclosure under the Open Records Act. In addition, the Director 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 Director 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 record requests should be referred to the Director of Legal Services immediately upon receipt. Questions about the Open Records Act should be addressed to the Director of Legal Services.

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 offices 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, Legal Services staff will coordinate the gathering of the requested documents. Gathering documents from locations outside the GSFIC offices 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 Director of Legal Services 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 they become available, 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 record 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 0.10¢ per standard sized 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:

In-office copies made by client: 0.10¢ per page

Copies made by staff: 0.10¢ per page

Colored copies: \$1.00 per page

Oversized drawings and documents: Actual cost

Outgoing fax: \$1.25 per page

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

Computer CD/DVD's: \$10.00 per disk

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

Who do I contact to make a request?

Legal Services Department

The Georgia State Financing & Investment Commission

Office Phone: (404) 463-5640

Office Fax: (404) 463-5981

E-mail: openrecords@gsfic.ga.gov