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.

What is a public record?
Public records include virtually all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared, maintained or received in the course of the operation of a public office or agency. Records held by private persons for a state agency and records held away from the work site all are subject to the law.

Who may make an open records request?
Any member of the public may request an inspection of any public record. It is not necessary for the requestor to show particular need or interest in the matters covered by the record in order to gain access.

What is the purpose of the Open Records Act?
The purpose is not only to encourage public access to certain information, but to maintain the public’s confidence in government by discouraging secrecy and closed records. The act allows the public to evaluate the functioning of its institutions.

What obligation does the Open Records Act place on the institution?
The University must provide access to existing public records in its custody or under its control within three business days, including those the University created and those it has received in the course of its operation. We are not required to create a record which does not exist at the time of the request. We are not required to compile requested information into a single document.

Are there records which may be exempted 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 University to demonstrate that any requested materials are exempt. If a public record contains both exempt and non-exempt material, the exempt portion must be removed and the remaining non-exempt material disclosed. The exemptions most relevant are:

- medical and veterinary records and other materials involving matters of personal privacy;
- records relating to pending investigations;
- records required by the federal government to be kept confidential, such as student educational records;
- trade secrets and certain information of a proprietary nature;
- certain research data, records, or information that has not been published, patented, or otherwise publicly disseminated;
- personal and financial information of donors
- confidential evaluations submitted to a public agency in connection with the hiring of a public employee.

Are student evaluations of academic courses subject to disclosure under the Open Records Act?
Yes. Since 1986, it has been the opinion of the state Attorney General that such documents are open.

Are personnel files subject to disclosure under the Open Records Act?
Yes. Any exempt material in personnel files, such as social security numbers, medical information, home address and telephone number, or information relating to the designation of beneficiaries, may be redacted.

Are performance evaluations subject to disclosure under the Open Records Act?
Yes. There is no exemption for performance evaluations.

Are e-mails I send and receive subject to disclosure under the Open Records Act?
Yes, e-mails are open records, whether or not the subject matter is business-related, if one or more of the following criteria are met:

- they involve state business
- they are sent over an institution account (even if on a privately-owned computer from home)
- they are sent on or through institution owned equipment, no matter where it is located.
Except under very limited exceptions, such e-mails are subject to disclosure if requested under the Georgia Open Records Act.

**As a University employee, what is my responsibility to preserve public records?**
Although other federal and state laws require the University to maintain certain 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 penalty of law.

**Must the University notify employees named in records being disclosed?**
While there is no such requirement in the law, the University’s policy is to notify employees whose performance evaluations or personnel files have been requested and are being released under compliance of the Open Records Act.

**What if I have a question about whether the records requested from me fall under the law?**
Whenever you receive a request, you should immediately contact the Open Records Manager.

**Can the University charge requestors for the cost of copies and staff time used in the search?**
The law allows a copying fee not more than 25 cents per page and a charge for staff time used in the search. This fee is based on the pay rate of the lowest-paid employee qualified to search and assemble the documents.

**How critical is the time element in complying with the Open Records Act?**
It is very critical that any unit receiving a request for records immediately notify the Open Records Manager. The three-day timeframe for the University to comply under the law starts running when you receive the request, not when you relay it to us.