

Frequently Asked Questions

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.

Does the Open Records Act apply to Gordon State College?

Yes. The college is a public agency; therefore it is subject to the act.

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.

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 obligation does the Open Records Act place on Gordon State College?

The college must provide access to existing public records in its custody or under its control, including those the college 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. The law presumes all records are open and places the burden on the college 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.

Are student evaluations of academic courses subject to disclosure under the Open Records Act?

Yes. Since 1988, 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. Any e-mail sent or received on University-owned equipment, no matter where it is housed, or through private equipment housed on GSC property, no matter whether it is business-related, is subject to disclosure.

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

Although other federal and state laws require the college 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 college notify employees named in records being disclosed?

While there is no such requirement in the law, the college's practice 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 college's Compliance Officer or the Registrar. We will evaluate the request for applicability under the law. If there are legal questions, we will consult with legal counsel.

Can the college charge requesters for the cost of copies and staff time used in the search?

The law allows a copying fee not more than .10 cents per page and a charge for staff time used in the search (after the first 15 minutes), 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 Compliance Officer or the Registrar. The three-day clock for the college to comply under the law starts running when you receive the request, not when you relay it to us. It is the responsibility of department heads to assure there is no delay in this notification to the Compliance Officer or Registrar, who is responsible for compliance under college procedure.