



## **PUBLIC RECORDS REQUEST GUIDELINES**

### **I. PURPOSE**

As part of the overall Town of Sahuarita Strategic Plan, our goal is to create a culture of continuous improvement. In an effort to improve service to our constituents, we are continually implementing organizational best practices. The Town is required by law to make all records, except confidential records and those protected from disclosure, available to the public (A.R.S. § 39-121 – Inspection of public records) while safeguarding confidential and personal identifying information. The following guidelines are set forth to help facilitate the public records request process to ensure the process is consistent, efficient, lawful and fair.

### **II. GENERAL GUIDELINES**

- A. All records in Town offices shall be open to public inspection to the legal extent possible during office hours. The appropriate staff shall answer all public records requests as completely and promptly as possible. Exceptions may include:
  1. Arizona law or court order prohibiting disclosure.
  2. Individual privacy rights that prohibit disclosure, including, but not limited to the portions of a record containing home address and phone, birthdate, tax identification number, employee identification number, social security number, account numbers or other personal identifying information.
  3. Best interest of the Town is served by non-disclosure such as during an investigation or contract negotiation when disclosure would harm the investigation or negotiation.
- B. Departments shall respond courteously and be as helpful as possible within the constraints of the law. If requests are not clear, staff shall obtain more information from the requester. If the information requested is readily available on the Town website, staff will refer the requestor to the information on the website.
- C. To the extent possible, information provided in response to a public records request will be in the format in which it is kept. As a general rule, the Town will not create a record, obtain new data, perform research, or create new report formats in order to respond to records requests.
- D. Requests are processed in the order received and will be assigned a Public Records Request Tracking number. Various factors affect processing time, including the request's size, complexity, and the nature of the records requested. Staff will track the amount of time spent reviewing, researching, redacting and preparing responses to requests. Multiple requests from a single requester will be completed in the order received.
- E. Public records requests will be made in writing to avoid confusion regarding the records being requested. Staff shall request any person making a verbal public records request to submit the request on the public records request form.

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- F. All public records requests must describe the record(s) requested in sufficient detail and specificity to allow the record to be located with a reasonable amount of diligence. If requests are not clear, staff shall obtain more information from the requester.
- G. Public records requests should be made to the Town Clerk department to be handled through the public records request process. Requests made directly to a department that cannot be answered simply or directly should be forwarded to the Town Clerk department via email at [townclerk@sahuaritaaz.gov](mailto:townclerk@sahuaritaaz.gov) for processing.
- H. Requesters must inform the Town if public records obtained will be used for a commercial purpose and complete a Statement of Commercial Purchase Pricing Computation Worksheet. Records provided in response to records requests used for a commercial purpose may be charged in accordance with A.R.S.§39-121.03(A):
  - 1. A portion of the cost to the Town for obtaining the original or copies of the documents, printouts or photographs.
  - 2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
  - 3. The value of the reproduction on the commercial market as best determined by the public body.
- I. Subpoenas for records will be handled as follows:
  - 1. Subpoenas shall be delivered to the Department of Law for determination of whether to seek a protective order restricting dissemination to only such materials as are necessary and proper.
  - 2. The Department of Law will facilitate the gathering and dissemination of records in response to a subpoena.
  - 3. Comply with the subpoena as required by law.
  - 4. Fees charged for the reproduction of records in response to a subpoena must comply with the definition of reasonable costs set forth in A.R.S. §12-351.

### III. DEFINITIONS

- A. **Commercial Purpose** – The use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

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- B. **Personal Identifying Information** – Any written document or electronic data that does or purports to provide personal information.
- C. **Public Records** – All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the Town in pursuance of law or in connection with the transaction of Town business and preserved or appropriate for preservation by the Town (A.R.S. § 41-151.18). Public records may include, but are not limited to, paper records, email, maps, and entries made in any Town database program.
- D. **Public Records Request** – A request to examine or be furnished copies, printouts, or photographs of a public record under A.R.S. § 39-121 or § 39-121-02.
- E. **Public Records Request Form** – A form, paper or electronic, which may be used to request public records (Attachment A).
- F. **Statement of Commercial Purpose Pricing Computation Worksheet** – A form, paper or electronic, used to determine the value of requested public information on the commercial market (Attachment B).

### IV. PUBLIC RECORDS REQUEST PROCEDURES – TOWN CLERK

- A. Public records requests should be made to the Town Clerk department using the public records request form to avoid confusion regarding the records being requested. Staff shall request any person making a verbal public records request to submit the request on the public records request form.
- B. All public records requests must describe the record(s) requested in sufficient detail and specificity to allow the record to be located with a reasonable amount of diligence. If requests are not clear, staff shall obtain more information from the requester.
- C. Requests made directly to a department that cannot be answered simply or directly should be forwarded to the Town Clerk department via email at [townclerk@sahuaritaaz.gov](mailto:townclerk@sahuaritaaz.gov) with all of the pertinent referral information (name, address, phone, email and concise request description) for processing.
- D. Requests will be assigned a Public Records Request Number for tracking. Various factors affect processing time, including the request's size, complexity, and the nature of the records requested. Staff will track the amount of time spent reviewing, researching, redacting and preparing the request.
- E. Copies of requests will be forwarded to the Department of Law and Town Manager department.
- F. Requests for records will be referred to the appropriate department head for completion. The department head will provide the Town Clerk department an estimate

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of the amount of time needed to complete the request and track time needed to complete the request as shown in item D from above.

- G. Town Clerk staff will contact the requestor to confirm Town receipt of the request and will notify the requester of the approximate amount of time needed to complete the request.

### **V. RESPONDING TO A PUBLIC RECORDS REQUEST**

- A. Every effort shall be made to respond to the requestor in a timely manner. If staff cannot complete a request in the estimated time frame provided to the Town Clerk Department upon record receipt, the department must contact the Town Clerk department to provide a new estimated time frame for completion. The Town Clerk department will inform the requester of the new anticipated completion date.
- B. If a department search for records yields, “no information found”, that must be communicated to the Town Clerk department.
- C. Once the responsive records are compiled, department staff will provide the records to the Town Clerk department for review and release.
- D. The Town Clerk department will suggest needed redactions to records for release and forward to the Department of Law for review and acceptance of redactions.
- E. Upon request, an index of records or information that has been withheld or redacted and the reason for non-disclosure will be prepared by the Department of Law and provided to Town Clerk department for distribution to the requester.
- F. The Department of Law will notify the Town Clerk department when records in response to a records request are available for release.
- G. Once the records are finalized for release, Town Clerk staff will determine the appropriate fee, if any, as set forth by Town of Sahuarita Fee Schedule (Sahuarita Town Code, Chapter 3.10), collect the necessary fee, and distribute the records to the requester.
- H. Alternately, a requester may request to view records at no charge. If the requester requests to view records, the Town Clerk department will contact the requester to make an appointment for records review.

### **VI. POLICE AND MUNICIPAL COURT RECORDS**

The Sahuarita Police department and the Municipal Court follow internal protocols established by their Department Heads, in accordance with applicable laws, to process public records requests related to case information.

- A. The Town Clerk department will process all public records requests regarding information related to the Police department’s administrative records with the oversight of the Department of Law.

- B. Any administrative records maintained by Sahuarita Municipal Court fall within the custodial authority of the Court as defined by the Arizona Supreme Court and the Arizona Administrative Office of the Court.

### VII. PUBLIC RECORDS REQUEST PROCEDURES – OTHER DEPARTMENTS

Some public records requests will originate in a department other than the Town Clerk department, the Police department, or the Municipal Court. In most cases, the department receiving the request should refer the request to the Town Clerk department for processing. However, in some instances, as directed by the Town Clerk, it may be preferable for the receiving department to process the request.

- A. In-person requests should be submitted using the paper public records request form or submitting the request in another written format.
- B. If the request is routine in nature and the department can immediately provide the records, staff will determine the appropriate fee for the records using the current fee schedule, collect payment of the applicable fees, and distribute the information to the requestor. Records that may need legal review are **not** available for immediate release.
- C. If the request is non-routine, may need legal review and the department cannot immediately fulfill the request in person, staff will advise the requestor that once the information is ready, the requestor will receive notification and, if applicable, an invoice for associated fees.
- D. Staff will continue to search for and locate the requested information. The Town will not create a record, obtain new data, perform research, or create new report formats in order to respond to records requests.
- E. Once the information is located, the department may finish fulfilling the request by determining any appropriate fees for the request, collecting payment, and distributing the information to the requestor.
- F. Alternatively, the department can provide the requested information and any other applicable paperwork to the Town Clerk department to finish fulfilling the request.
- G. Upon fulfillment of routine or in-person requests, the department shall forward the request, a copy of the paid invoice, the amount of time needed to complete the request and any other supplemental paperwork to the Town Clerk department for tracking purposes and retention.

### VIII. MEDIA REQUESTS

- A. All public record requests from the media, except for requests for Police department case records or Municipal Court case records, will be forwarded to the Town Clerk department for response.

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- B. The Town Clerk department will notify the Communications Coordinator of all public records requests from the media, except those involving routine Police Department or Municipal Court records.

### **IX. PUBLIC RECORDS REPRODUCTION FEES**

- A. Fees for the reproduction of records are permitted by A.R.S. § 39-121.01 (D) (1) and § 39-121.03, with the following exemptions:
  - 1. A.R.S. § 39-122 exempts fees from being charged for copies of public records to be used in claims against the United States.
  - 2. A.R.S. § 39-127 exempts fees from being charged for copies of police reports and transcripts for crime victims.
- B. Sahuarita Town Code Title 3, Chapter 3.10.130 (Administrative Fees) sets the fee schedule for copies and staff time related to public records requests.
- C. In accordance with A.R.S. §39-121.03(A) the cost of the reproduction for records produced for a commercial purpose will be assessed based on the following:
  - 1. A portion of the cost to the Town for obtaining the original or copies of the documents, printouts or photographs.
  - 2. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
  - 3. The value of the reproduction on the commercial market as best determined by the public body.
- D. In the event staff is asked to mail the requester copies/reproductions of requested records, staff will calculate the cost of postage and require the requester to pay postage and public record fees in advance, before the reproductions are mailed.

### **X. DENIAL OF SERVICE**

All denials of service must be documented and approved by the Department of Law.

### **XI. PUBLIC RECORD**

Public records requests become part of the public record and are subject to release under Arizona public records law.

### **XII. ATTACHMENTS**

- A. Public Records Request Form
- B. Statement of Commercial Purpose Pricing Computation Worksheet