City’s Protocol for Public Records Requests

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Goal

To create the most transparent and responsive system practical for responding to public requests for documents/information
Reasons for Protocol

- Help employees manage workload
- Add timeframes to responses
- Ensure follow-through on requests
Types of Requests

• Service requests: already handled through automated systems (including Contact Center)

• Records/Information requests
  – Simple
  – Complex
Simple requests

- Can generally be provided by person receiving request or a single referral, without extensive research or involvement of others
- Responses will be expedited through
  - Checklists allowing quick identification of records that are clearly public
  - Training in recognizing records that are clearly public
  - Audit of records in departments, by Legal staff, to identify categories which can be released without review
Checklist: These *Are* Public Records

- Circumstances surrounding an arrest:
  - time and place,
  - whether the arrest involved resistance,
  - possession or use of weapons or pursuit, and
  - description of items seized

- Employee information:
  - name,
  - age,
  - date of original employment,
  - terms of contracts,
  - current position title,
  - current salary including pay, benefits, incentives, and bonuses
Checklist: These **Are Not** Public Records

- Personal emails or other records which do not involve City business (e.g., a note from a spouse reminding you to pick up milk on the way home)
- Rough, personal notes kept by an employee for his/her personal use
- Account numbers
- Criminal investigations
- Criminal intelligence information
- Social security numbers
- The following information about a minor child in a P&R program:
  - name,
  - address,
  - age,
  - date of birth,
  - telephone number,
  - name or address of parent or legal guardian
Complex requests

• May involve multiple departments, records that are not easily accessible, computer searches, or Legal review

• Six steps in process
Step 1 of 6: Set clear timelines

- Used Neighborhood Congress proposal as starting point
- Timeframes reviewed by staff of departments most frequently involved in document requests (Technology, Legal, Human Resources, Police, etc.)
- Timeframes either accepted or shortened
# Process Steps with Timeframes

<table>
<thead>
<tr>
<th>Step Description</th>
<th>Staff Proposal</th>
<th>Neighborhood Congress Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgement of request, with contact person and department</td>
<td>Within 2 working days</td>
<td>Within 5 working days</td>
</tr>
<tr>
<td>1\textsuperscript{st} response to requester, containing - requested documents or</td>
<td>Within 10 working days</td>
<td>Within 15 working days</td>
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<tr>
<td>- estimated time to fulfill request or - explanation of why request can’t be</td>
<td></td>
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<tr>
<td>fulfilled</td>
<td></td>
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<tr>
<td>2\textsuperscript{nd} response to requester if request not yet fulfilled</td>
<td>Within 30 working days</td>
<td>Within 45 working days</td>
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<tr>
<td>CMO schedules appeal if requested</td>
<td>Within 75 working days</td>
<td>Within 75 working days</td>
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</tbody>
</table>
Step 2 of 6: Monitor progress

- CMO will receive and review ongoing reports on outstanding requests and responses that have not met deadlines
- CMO will follow up with departments and/or schedule appeal to Council where appropriate
Step 3 of 6: Improve accountability

• Individual department heads will be held responsible for timely response to requests involving their departments

• Each director will designate one position in his/her department as Records Coordinator, responsible for monitoring timeframes
Improve accountability (cont.)

• Duties of Records Coordinator
  – Acts as overseer of department’s response to requests for documents
  – Assigns requests to appropriate staff within own department
  – Monitors department’s compliance with timeframes
  – Assists other staff within department in determining whether documents can be released without Legal review (works closely with Legal as needed)
  – May designate backups and assistants as appropriate to department’s size and structure
Step 4 of 6: Provide additional training

- Provide checklists so employees can respond quickly to simple, straightforward requests
- Train Records Coordinators on policy and procedures
- Provide refresher course to Records Coordinators and others on public records law
Step 5 of 6: Use technology more effectively

- Automatically issue acknowledgement of request when received
- Trigger both internal and external status reports at various stages
- Track requests from receipt to fulfillment
Step 6 of 6: Establish minimal charges

- If approved by Council, the City will begin recovering actual printing costs for copies when the new process goes into effect.
- Charges will be set based on Print Shop’s cost-accounting figures and evaluated every year as part of the budget.
- No charges will be collected for amounts that add up to less than $1 within 30 consecutive calendar days.
Next steps

- Meet with media and Neighborhood Congress to present proposal
- Incorporate feedback into process
- Bring process back to City Council for approval and establishment of copy fee
- Upgrade technology where necessary
- Conduct training for employees
- Inform all stakeholders of new process
Target for implementation: Fall 2009

Questions?