

Cabarrus County Public Records Request Policy

Cabarrus County is committed to making public records available to members of the public in a timely manner. Therefore, the following public records request policy and procedures are established to help accommodate the public's right to access public County records while setting forth defined and consistent steps for requesting these records. These procedures are balanced by the equally important need to protect records from damage, loss, alteration or disorganization, and to prevent excessive interference with essential functions of County government.

The North Carolina Public Records Law is found in G.S. Chapter 132. The definition of a public record is contained in N.C.G.S. 132-1. The custodian of the records bears the responsibility of maintaining the records and permitting the public inspection or providing copies of the records upon request. In accordance with North Carolina's public records law, the official in charge of an office that holds the public records is the custodian of the records.

Some departments or agencies (e.g. Health Department, EMS and Social Services) may have specific policies for requesting and complying with a public records request and may be subject to many other Federal laws such as HIPAA that protect their information from the public (see Addendum "A"). Other various laws may affect what records may be released, such as G.S. 153A-98 governing personnel records.

The North Carolina Public Records Law as found in G.S. Chapter 132 authorizes a fee to be charged for copying of records and for the costs of responding to public records requests, consistent with the North Carolina's Public Records Law.

Unless specifically stated otherwise, the process includes the following procedures:

1. How to request copies of public records
2. What to expect after a request is made
3. How to request only inspection of records
4. Duplication and mailing fees
5. Deposit for duplication
6. Payment of required fees
7. Failure to pay required fees

1. How to Request Copies of Public Records

To process public record requests in a timely, consistent and orderly fashion, the County requires that these requests be submitted through the JustFOIA portal linked to the Cabarrus County public facing website homepage. If a citizen needs to make a request and cannot do so through JustFOIA because of a need for a reasonable accommodation under the ADA or for other reasons such as not having access to the internet, then the request may be made in person at the County Manager's Office, Suite 235, 65 Church St. S., Concord N.C. 28025 or a written request may be mailed to the Office of General Counsel, P.O. Box 707, Concord, N.C. 28026. County staff will then enter the request into the JustFOIA portal for the customer.

2. What to Expect After a Request is Made, and General Guidelines for Responses

- A. If a County Official or Employee other than the custodian of the public records receives a request for public records, that person shall forward the request in JustFOIA to the custodian of the public records within fifteen (15) business days.
- B. Upon receipt of a public records request from a requestor or from another Employee, the custodian of the public records shall review the request within fifteen (15) business days. The custodian of the public records shall consider the request in accordance with North Carolina public records law and this Policy including, but not necessarily limited to whether a record exists that corresponds to the request (without having to create or compile a record that does not exist), whether the record was made or received in the transaction of public business, whether there is an exception in State or Federal that applies to the record, and whether any exception applies to all or a portion of the record.
- C. The County will provide a follow-up response to the request as soon as practicable. The follow-up response may include:
 - Providing or making available the record if it can be produced with the expenditure of less than one man hour of labor (for over one man hour of effort, see fee schedule below);
 - An estimate of the time necessary for further response;
 - Denying the request accompanied by an explanation of the basis for the denial;
 - Requesting a deposit; or
 - Requesting clarification of the request.

If the follow-up response asks for clarification on the request, no further response will be made to the requestor until the clarification is received by the custodian of the records.

Where the request for public records is extraordinarily large in the sole discretion of the County Department Head(s) involved in such request (generally over one man hour of research or redaction time), such that extensive use of information technology resources or extensive clerical or supervisory assistance by personnel is required as set forth in N.C.G.S. 132-6.2(b), then the County shall respond to the requestor with the cost estimated cost associated with the request, and request the payment or deposit called for herein. The cost for these requests will be assessed an administrative processing fee in the amount of \$35.00 per hour and be charged at a per record rate of \$0.01 (One Cent per record). A cost estimate will be provided to the requester and approval and payment will be obtained prior to responding to the request. If costs exceed the estimate, the requestor will be notified, and additional approval and payment will be obtained prior to completion of the request or delivery of the information requested.

- D. Once the County receives a complete request, the custodian of the records will respond either by:
- Providing or making available the record requested; or
 - Denying the request in writing accompanied by an explanation of the basis for the denial.
- E. All public records requests themselves become public records as soon as they are received by Cabarrus County. Cabarrus County may post online requests it receives including the identity of the requesting party, along with the response to the request.
- F. A public record request is not continuing in nature. Therefore, it only applies to public records available at the time of the request. If additional records are created after the date of the requestor's original public records request, the requestor must submit a new request of this public record. "Open ended" or "rolling" public record requests that ask for new responsive documents to be automatically forwarded as they are created will not be honored.
- G. If the requestor is asked for clarification or additional information about their request, the requestor must respond within three business days or the request may be closed by the County, and a new request must be submitted.
- H. If an overly long "fishing expedition" request is submitted, or a single request which blends multiple topics or County Departments, the request may be rejected and if so, the requestor should be instructed to make a new, more concise request, or break the request into multiple new requests. Requests that ask for "all" documents pertaining to a topic may be rejected as overly broad, and the requester asked to specify a time frame or time frames for the request.
- I. Requests that ask for "reasoning" behind a decision, or "why" a policy was adopted or a decision was made by the County, are not public records requests unless there is a specific written study, written analysis, or other document responsive to the request. PRR staffers will not draft or create a response to the request. Such requests will be rejected if there is no known already existing document responsive to the request.
- J. Many items which are requested may be available on a public facing County website, such as some land records, budget information, tax records, and building permit information. Public record requests which ask for information accessible to the public on a County website may be rejected for that reason, and the requestor directed to the public facing website in the discretion of the PRR staff.
- K. PRR requests for documents which are available from the County and require an already existing fee, such as Zoning Compliance and Code Compliance certifications for homeowners, insurers and lenders, will be rejected and the requestor directed to request the document from that Department and pay the Department's fee, or, the document may be offered to the requestor via the JustFOIA portal, but only upon payment of the already existing fee, in the discretion of the PRR staff.

- L. If the requestor specifies a preference for a specific format, records will be produced in the requested format if: (1) it is determined that the records exist and are subject to release; (2) the County is capable of providing the records in the format requested; (3) the format requested is consistent with how the record is maintained or is otherwise reasonable; and (4) the requestor pays all fees associated with fulfilling the request.
- M. Multiple requests from the same requestor and/or different requestors from the same organization will be addressed and fulfilled according to the order in which they are received, unless otherwise specified by the requestor or the organization.
- N. Requests for documents not in the possession of Cabarrus County will be rejected. Common examples of requests erroneously directed to the County include the Cabarrus Health Alliance (well and septic tank information), Cabarrus County Sheriff Department (which has its own JustFOIA portal), the Cabarrus County Clerk of Superior Court (which is a State agency and not a part of Cabarrus County Government), the City of Concord and other municipalities within Cabarrus County, traffic accident reports which are often but not always one of our municipalities or the N.C. Highway Patrol, and camera footage for certain roadways in Cabarrus County which are NCDOT devices.
- O. If a record subject to a public records request is a protected record, it will not be made available. However, a public record may contain information that is protected, but the entire record is not protected. In those cases, the protected information will be deleted in a manner that shows that a deletion was made. It is the custodian of the record's responsibility to see that protected information is protected, not PRR staff.
- P. Cabarrus County will respond to your request as promptly as possible. Please note the N.C. General Statutes DO NOT specify a deadline or number of days for a response to a public records request. The Statutes specify that requests should be processed as soon as reasonably practical. The length of time for production of records depends on the complexity of the request.
- Q. If a written request for access to records is denied, or denied in part, the requestor may appeal the denial by submitting the number of the request from the JustFOIA system (styled as PRR-2025-xxxx) and the denial reason given, in the following manner: by email to generalcounsel@cabarruscounty.us, or by U.S. Mail, First Class Postage prepaid to: PRR Appeals, Office of General Counsel, P.O. Box 707, Concord, N.C. 28026. Please allow up to 30 days for a response to your appeal.

3. How to Request Inspection Only of Records

If a requestor chooses to only inspect records, the County will notify the requestor once the records are available for inspection. The same cost schedule above applies if gathering the records for inspection incurs the time commitment outlined above. The records will be available for inspection at a date and time mutually agreeable between the requestor and the County. The appointment to inspect the records may need to be broken into intervals, possibly over several days, so as not to interfere with the daily operations of County business.

Any appointment to inspect records is limited to no more than a two (2) hour appointment on any given day, unless otherwise mutually agreed upon between the requestor and the County. Records will be made available to the requestor for up to seven (7) calendar days. If the requestor fails to contact the County within seven (7) calendar days of being notified that the records are available for inspection, the requestor will need to submit a new request for the records and the process will begin anew.

4. Duplication and Mailing Fees

If the requestor has asked that a paper copy of the public record be produced, then prior to the release of the copy the County will collect duplication fees. The County will update and post duplication fees as appropriate.

The fee schedule for copies is \$35.00 per hour spent by staff making the copies (which may be in addition to the research charges described hereinabove), and:

8 ½ x 11 single-sided hardcopy	\$0.07
8 ½ x 11 double-sided hardcopy	\$0.10

Copies of public records that are not otherwise available in pre-printed form and that require an extensive use of clerical or information technology resources may be considered a special service and subject to an additional labor charge based on the County's current pay schedule for the staff required to fulfill the request. Charges under this provision shall be imposed for every 6-minute increment or fraction thereof but shall not relate back to the first 10 minutes.

Standard U.S. Postal Service first class mailing fees shall be charged for mailing copies of public records to any person, firm or corporation. The mailing fee shall be in addition to any other copying fee provided for herein.

5. Deposit for Requests

If a deposit is required, the County will notify the requestor of the necessity of the deposit. If the actual duplication and deposit of fees are less than the amount deposited by the requestor, the County will return the sum in excess of the actual amount to the requestor.

6. Payment of Required Fees

Payment of all fees called for herein must be made prior to the release of public records. When required, the payment of a deposit will be made prior to the research, sending or duplication of any records (see Section 5 above). All payments must be made by cash, money order, or check payable to Cabarrus County.

7. Failure to Pay Required Fees

The County may require the requestor to pay in full any past due amount owed for any prior requests, before it will begin processing a new request or another pending request from the delinquent requestor.

In addition, the County may require advance payment for any future requests of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requestor.

If the County is unable to collect duplication fees from the requestor when there is a request for paper records, the County may destroy the duplicated set of records made available for the requestor to avoid storage concerns. Although the records are destroyed, the requestor will still be made responsible for the costs the County incurred in duplicating the records originally requested by the requestor.

ADDENDUM “A”

Information Not Subject to Disclosure Under Public Records Law

All information listed in N.C.G.S. 132-1.10 (“PII”),

and

HIPAA Privacy Rule: Selected Provisions (45 CFR Parts 160 & 164)

§ 164.514. Other requirements relating to uses and disclosures of protected health information.

(a) Standard: De-identification of protected health information. Health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual is not individually identifiable health information.

(b) Implementation specifications: Requirements for de-identification of protected health information. A covered entity may determine that health information is not individually identifiable health information only if:

(1) A person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable: (i) Applying such principles and methods, determines that the risk is very small that the information could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify an individual who is a subject of the information; and (ii) Documents the methods and results of the analysis that justify such determination; or

(2) (i) The following identifiers of the individual or of relatives, employers, or household members of the individual, are removed: (A) Names; (B) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census: 6 (1) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and (2) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000. (C) All elements of dates (except year) for dates directly related to an individual, including birth dates, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older; (D) Telephone numbers; (E) Fax numbers; (F) Electronic mail addresses; (G) Social security numbers; (H) Medical record numbers; (I) Health plan beneficiary numbers; (J) Account numbers; (K) Certificate/license numbers; (L) Vehicle identifiers and serial numbers, including license plate numbers; (M) Device identifiers and serial numbers; (N) Web Universal Resource Locators (URLs); (O) Internet Protocol (IP) address numbers; (P) Biometric identifiers, including finger and voice prints; (Q) Full face photographic images and any comparable images; and (R) Any other unique identifying number, characteristic, or code, except as permitted by paragraph (c) of this section.

Adopted this the 21st day of September, 2026

Lana Lindsey

Chairman, Board of County Commissioners

Arionne Okunev

Attested by: Clerk to the Board of

County Commissioners

