

Public Records Requests

2015

CITY OF ASHEVILLE

Mailing address:

City of Asheville
ATTN: Public Records
PO Box 7148
Asheville NC 28802

Delivery address:

Asheville City Hall
2nd Floor, Room 217
70 Court Plaza
Asheville NC 28801

Fax: 828-259-5499

Email: opengov@ashevillenc.gov



The City of Asheville has established the following public records request guidelines to affirm the public's right to access city records while setting forth a standardized procedure for city staff when providing information to the public. These guidelines also include a fee schedule to cover the cost of responding to public records requests.

The definition of a public record follows the North Carolina General Statute definition contained in § 132-1. Please note that requests for analysis, reports or any reference material that does not exist at the time of the request is not considered a public record.

The guidelines include the following sections:

1. How to request public records
2. What to expect after a request is made
3. Inspecting records
4. Request procedures for police department incident reports and employment verification
5. Denial of request & appeals
6. Duplication and transmission fees
7. Deposit for duplication
8. Payment of required fees
9. Failure to pay required fees

1. *How to request public records*

In order to effectively streamline and track requests, all requests for public records must be made in writing and mailed, hand delivered, submitted online or faxed to the City of Asheville's Public Information Office. Information for these delivery methods is included below:

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PO Box 7148
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In order to streamline and track our process, requests made by phone cannot be accepted.

Requests received within individual departments will be forwarded to the city's Public Information Office for processing.

Submitting a Public Records Request: When making a records request, the written request should contain the following information:

1. The date of the request
2. The name of the requestor
3. The full address of the requestor
4. The telephone number of the requestor
5. A complete description of the requested record
6. The title and date of the requested record, if known
7. The location of the requested record, if known; and
8. Whether the requestor intends to inspect the records or to obtain a photocopy of the records, at the cost set forth below in "Duplication and Transmission Fees."

When the requestor submits the request form, a representative from the Public Information Office should indicate on the form an estimate of time necessary to provide a final response to the request. Records provided in response to a public records request will be those documents of record available for disclosure as of the date of the request.

Pursuant to NCGS 132.6, the following database index is available to assist in identifying information for electronic information requests:

[AshevilleDataDictionary.xls](#)

[AshevilleDataDictionary.pdf](#)

2. What to expect after a request is made:

The city will make an initial response to the request for public records within five (5) business days of receiving the request. The initial response will include any clarifying information needed, cost estimates for providing records if known and an estimated delivery time of final records. Should the request be received after 5 p.m., the request will be considered received on the next business day.

Depending upon the nature of request, the city may respond initially by:

1. Producing the record after the payment of applicable fees (see fee schedule on page 4),
2. Acknowledging the city's receipt of the request accompanied by an estimate of the time necessary for further response,
3. Denying the request accompanied by an explanation of the basis for the denial
4. Requesting a deposit, or
5. Requesting clarification of the request.

Once the city receives a complete request, a copy will be provided to the requestor with the estimation of time necessary for further response.

A public disclosure request is not continuing in nature. In the event additional records are created after the date of the requestor's original public records request, the requestor will need to submit a

new request. Any records or portions of records made available by the city will be provided to the requestor in the same format as they are kept by the city.

If the requestor specifies a format in which the records should be disclosed, the city will disclose the records in the requested format if:

1. It is determined that disclosable records exist,
2. The city is capable of providing the records in the format requested,
3. The format requested is reasonable, and
4. The requestor pays all fees required by this policy.

The city's response to the request will be considered complete and final upon:

1. Requestor's inspection of the records
2. Upon notification to the requestor that the photocopies requested are available for payment and pick-up (in the event photocopies were requested)
3. A denial of the request.

It is the City's goal to answer all requests within ten (10) business days after a final initial response has been delivered and a complete request has been obtained.

3. Inspection of records

In the event a requestor chooses to inspect records, the city will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the City. The appointment to inspect the records may need to be broken into intervals, possibly over a couple of days, so as to not interfere with the daily operations of the city employees.

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 City. Records that have been pulled for inspection will be made available to the requestor for a period of no more than fourteen (14) calendar days. If the requestor fails to contact the City within fourteen (14) calendar days of being notified that the records are available for inspection: (1) the records will be returned to the originating department; and (2) the requestor will need to submit a new request for the records and the process will begin anew.

4. Special request procedures for police incident reports and personnel records/employment verification

Requests for police incident reports and personnel information/employment verification are considered routine requests and can be made by following the instructions below.

Police Incident Records

The Asheville Police Department maintains a notebook of nearly all incident reports at the Police Information Desk located on the first floor of the Municipal Building (Police and Fire Headquarters), 100 Court Plaza, Asheville, NC 28801. This notebook is available for inspection by any member of the public during normal business hours, Monday-Friday, 8:30 a.m.-5 p.m. Inspection of the notebook or requests for copies of incident reports it contains are not required to be submitted to the Public Information Office.

Police Reports Required for Criminal Investigations and/or Insurance Purposes

If you are a victim of crime, insurance company representing a victim of crime or a law enforcement agency conducting a criminal investigation and need to request incident information from the Asheville Police Department, please contact the Police Records Unit at (828) 259-5870 or (828) 259-5890.

Employment Verification

If you are seeking information regarding employment verification, please contact the Human Resources Department's Employment Verification line at (828) 259-5690.

5. Denial of request & appeals:

In the event that a request for public records is denied by the Public Information Officer, the requestor may appeal the denial in writing to the City Manager. In the event that no response to the appeal is delivered to the requestor within two (2) business days of the City's receipt of the appeal, the denial may be deemed final. Appeals may be delivered to the City Manager by mail, fax or e-mail using the contact information listed below:

City of Asheville

Attn: City Manager, Records Appeal

P.O. Box 7148

Asheville, NC 28802

Fax: (828) 259-5499

E-mail: t Downing@ashevillenc.gov

6. Duplication and transmission fees:

Prior to the release of any public record, the city will collect duplication fees. The City Clerk will update and post duplication fees as appropriate.

The 2008-2009 budget year fee schedule for copies is listed below:

- 8 1/2" X 11" single-sided hardcopy \$0.03
- 8 1/2" X 11" double-sided hardcopy \$0.05
- Compact Disk Read-Only Memory (CD-ROM) \$0.49
- Duplicated site plans, architectural drawings, etc. \$5 per printed sheet
- DVD Duplication of City Council meeting \$3.00
- E-mail attachment (of ten megabytes or less) No Cost

Copies of public records that are not otherwise collected or 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. The special service charge, if applicable, shall be \$18.00/hour. This rate approximates the hourly rate of pay plus fringe benefits for the position of Administrative Secretary in the city's pay schedule (effective July 1, 1997). 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 (i.e.: \$2.15/6 minutes).

A fee of \$1.25 shall be charged for mailing copies of public records to any person, firm or corporation, unless the cost of postage exceeds \$1.00 in which case the fee for mailing shall be the actual postage plus \$1.22. The mailing fee shall be in addition to any other copying fee provided for herein. The City of Asheville acquires, develops, maintains, and uses Geographic Information System (GIS) databases in support of its internal business functions and the public services it provides. All GIS databases are provided "as is" with no warranty. All available GIS databases will be listed on the City's GIS website. GIS data is treated as a qualified exception under the Public Records law in Chapter 132-10.

In providing a response to a records request, the city will provide all audio tapes, DVDs, computer diskettes or other media requested.

7. Deposit for duplication

In the event that it is estimated that the duplication or transmission fees applicable to a particular records request exceed \$25.00, the city, at its discretion, may require the requestor to deposit a sum equal to 75 percent of the estimated cost prior to duplication of the records.

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

8. Payment of required fees

Payment of duplication and delivery fees will be made prior to the release of public records. When required, the payment of a deposit will be made prior to the duplication of any records (see 7 above). All payments will be made by cash, money order, or check payable to the City of Asheville. Payment will be made in person to the Public Information Office on the second floor of City Hall. A copy of the public records request must be submitted with payment.

9. Failure to pay required fees

In the event a requestor fails to pay a bill for fees incurred within 30 calendar days, the city will require the requestor to pay in full the past due amount owed before it will begin processing a new request or a pending request from the delinquent requestor.

In addition, the city 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 City is unable to collect the duplication fees from the requestor, the City may, upon providing thirty (30) calendar days prior written notice to the requestor, destroy the duplication set of records made available for the requestor in order to avoid storage concerns. Although the records are destroyed, the requestor will still be made responsible for the costs the City incurred in duplicating the records originally requested by the requestor.