

Descriptor Term:  
PUBLIC RECORDS – Retention, Release and Disposition

Descriptor Code:  
5.0700/7.1900

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-109.3, 115C, -319 to -321, -402; 132-1 to -9; -1.10; Public Database Indexing: Guidelines and Recommendations, N.C. Department of Cultural Resources, Division of Archives and History; Records Retention and Disposition Schedule: Local Education Agencies, N.C. Department of Cultural Resources, Division of Archives and History; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996.

Cross References: 4.2500/5.0750/7.2120 North Carolina Address Confidentiality Program; 5.0400 News Media Relations; 5.0710/7.3510 Electronically Stored Information Retention

The board is committed to providing access to public records and public information. All employees will comply with the public records law and this policy.

#### A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from public records law; G.S. 132-1 through 132.9.

The release of student records is addressed in policy 4.800 Student Records.

The name of a participant in the North Carolina Confidentiality Program is not a public record and must be redacted from any records released in accordance with G.S. 15C and policy 4.2500/5.0750/7.2120.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except as set forth in G.S. 115C-320 and policy 7.2100 Personnel Files.

The following employee information is public record with respect to employees:

1. name;
2. age;
3. date of original employment or appointment;
4. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;
5. current position;
6. title;
7. current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation paid to the employee);
8. date and amount of most recent increase or decrease in salary;
9. date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification; and
10. current assignment.

As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

## B. DESIGNATION OF RECORDS OFFICER

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

### 1. Duties of the Records Officer

The duties of the records officer include the following:

- a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;
- b. determining the most cost-effective means of storing and retrieving public records that include confidential information;
- c. providing training, consultation and guidelines to school officials who respond to or are otherwise involved in public records requests;
- d. determining the actual cost of providing copies of public records in the various forms, such as paper or electronic media, in which the school system is capable of providing the records;
- e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and
- f. reviewing appeals of any denial of a request for public records.

### 2. Other Duties

Other duties to be performed by the records officer, a designated electronic records officer or other employees as determined by the superintendent include the following:

- a. reviewing all electronic data-processing systems being considered for lease or purchase to ensure that they will not impede the school system's ability to permit public inspection and examination of records;
- b. ensuring that databases are indexed as required by law; and
- c. conducting an inventory of electronic databases maintained by the school system on a regular basis.

## C. INDEXING OF COMPUTER DATA BASES

All computer databases compiled or created after June 30, 1998, must be indexed as required by law. The form and content of the indexes will conform to the guidelines issued by the North Carolina Division of Archives and History.

Any computer database that is being considered for purchase or lease by the school system and that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the school system.

In addition, the school system will voluntarily index databases created or compiled prior to July 1, 1998, so long as the process is not unreasonably burdensome or costly. Any voluntary indexing

does not have to meet statutory requirements or the guidelines issued by the North Carolina Division of Archives and History.

#### D. REQUESTS FOR PUBLIC RECORDS

All requests to examine or obtain copies of public records should be in writing or recorded by school system personnel.

This policy, administrative procedures and Information concerning the actual cost of producing public records and the manner in which a person or entity may appeal a denial or a public records request and information regarding any computer database indexes shall be made available to the individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial.

The superintendent or his/her designee may issue additional guidelines consistent with this policy to further clarify the process for requesting the public records.

#### E. MAINTENANCE OF RECORDS

The superintendent or his/her designee will ensure that the following tasks are addressed:

- determining whether records are public or confidential by law, with assistance from the local board attorney, as necessary;
- determining the most cost-effective means of storing and retrieving public records that include confidential information;
- providing training, consultation and guidelines to school officials who respond to or are otherwise involved in public records requests;
- determining the actual cost of providing copies of public records in the various forms, such as paper or electronic media, in which the school system is capable of providing the records
- determining the cost of a request for copies for public records when a special service charge is applicable or when the school district is voluntarily creating or compiling a record as a service to the requester;
- reviewing appeals of any denial of a request for public records;
- reviewing all electronic data-processing systems being considered for lease or purchase to ensure that it will not impede the school district's ability to permit public inspection and examination of records;
- ensuring that databases are indexed as required by law; and
- conducting an inventory of electronic databases maintained by the school district on a regular basis.

#### F. FEES FOR COPIES OR PUBLIC RECORDS

The superintendent or designee shall determine the actual cost of providing copies of public records in the various forms in which the school system is capable of providing them.

The school system shall not charge any fees for separating confidential information that is commingled with public records.

#### G. DESTRUCTION OF PUBLIC RECORDS

School personnel shall comply with the Records Retention and Disposition Schedule for

Local Education Agencies adopted by the N.C. Department of Cultural Resources, Division of Archives and History, unless otherwise required by statute, regulation or other legal authority. The superintendent may establish regulations for the destruction of records in accordance with the approved schedule.