

Subject: Responding to Requests for Public Records**Date:** August 22, 2012**Pages:** 1 of 2**Replaces Policy Dated:** N/A**PURPOSE:** To establish the process to be followed in responding to requests for public records that are submitted to Pinal County.**APPLICATION:** This policy applies to all Pinal County employees, elected officials and their staff, including temporary, part-time and contract employees, at least to the extent that their electronic records are maintained by the Pinal County IT Department. This policy covers any messages, communications or other form of 'records' as defined by Arizona law as a public record, including but not limited to include email, videos, photos, paper files, ledgers and other written documents. If the record is transmitted to/from/by/on a county-owned or supported network, computing device, telephone, voice mail, fax or traditional mail, the item is likely to be a public record. County business conducted with the use of personal electronic devices may also constitute a public record. Each separately elected county officer is encouraged to adopt policies that are complimentary to this policy for responding to public records requests.**STATEMENT OF POLICY:** It is the policy of Pinal County to comply with the Arizona Public Records Law (A.R.S. 39-101 et seq.). The law requires governmental agencies to comply with a detailed set of criteria in responding to public records requests, which when taken together with recent court proceedings, almost always favors public disclosure and transparency.**DEFINITIONS:**

Pinal County incorporates the definitions and guidelines contained in The Arizona Attorney General's Agency Handbook. The website address is:

http://www.ag.state.az.us/Agency_Handbook/Agency_Handbook.html

POLICY:**Routine requests for department-level information** – This is the broad 'business as usual' type of request that would be routine for departments to handle.

The request should be handled at the department level unless there is something unusual about the request, in which case the employee should review the request with his/her supervisor. Departments are encouraged to create internal processes for tracking requests in order to provide a timely response. If questions still remain, the employee and/or supervisor should seek guidance from their legal counsel at the Pinal County Attorney's Office.

Non-Routine Requests – The public's point of contact for filing a public records request with Pinal County Board of Supervisors is the Pinal County Clerk of the Board. The following procedures shall be followed:

Public Records Requests are:

1. Scanned or saved as a PDF or text file.
2. Logged into the Moss/communications database (computer-based tracking system).
3. Emailed to the Communications & Public Affairs Office for processing using the directives below as guidance.
4. Once the responsible department has provided the public records to the requestor, it is documented in the Moss/communications database.

Media Requests – These include requests for information by radio, television or print reporters, bloggers or other commentators. All requests for information coming from the media pertaining to the Board of Supervisors or departments reporting to the County Manager shall be forwarded by email or hardcopy to the Pinal County Communications & Public Affairs Office. This includes requests for financial information, personnel files, emails that would need to be retrieved by the Information Technology Department and all other requests from reporters or members of the news media.

Email Records – County business is often conducted by email. Today, email records are frequently requested by members of the public or media. When employees are using their county email accounts to transact personal business, those emails can be classified as public records. Public records requests for emails will be processed as follows:

1. IT Department pulls relevant email records based on criteria outlined by the requestor (key words, time frame, employee name, etc.) from the active/live system, and a copy is provided to:
 - The employee/official who is the subject of the request.
 - The Pinal County Communications & Public Affairs Office.
2. Employee/Official who is the subject of the request should notify the IT Department if they have archived emails and where the archive is stored. Employee/Official must identify and produce any responsive emails that were saved or archived.
3. Employee/Official who feels that they have emails that are personal and/or require redaction must identify such emails and provide them to the Pinal County Communications & Public Affairs Office, which may seek advice from the County Attorney's Office concerning legal issues. A redaction log shall be produced by the Pinal County Communications & Public Affairs Office prior to release of the responsive documents. A copy of the redaction log should accompany the responsive documents.

Legal, Litigation, Law Firm Requests – Copies of any requests coming from law firms or attorneys that are made in connection with current, pending or potential litigation shall be provided to the Pinal County Attorney's Office. The County Attorney's office will provide legal advice to the responsible office or department and assist with redaction (removal of confidential information) of responsive documents, as needed.

Personal Electronic Devices – Employees/Officials are additionally responsible for producing all responsive public records that may exist on personal electronic devices that have been used to conduct county business.

Non-electronic Records – Employees/Officials are additionally responsible for producing responsive public records that may exist in non-electronic formats such as paper files, ledgers or other written documents.

Public Records Form – The Arizona Public Records Law does NOT require a form to be filled out to obtain a public record. Many departments and branches of government may choose to utilize Public Records Request Forms for internal recordkeeping or routing purposes.

Court Records – Records of the Superior Court or Clerk of the Superior Court are to be released in accordance with Rule 123 of the Supreme Court and the Arizona Public Records Law. The consulting legal authority for such records is the Arizona Attorney General. Requests for records of the court should be handled by the Presiding Judge of the Superior Court of the State of Arizona in Pinal County or the Clerk of the Superior Court in consultation, when needed, with the Attorney General.