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# ***DENR Public Records Policy***

## Purpose

The Department of Environment and Natural Resources has established a policy on access by the public to the Department's public records the Public Records Act, G.S. 132-1 *et seq.*, and related laws of North Carolina and to further the Department's ongoing commitment to serve the people of North Carolina. "**Public Records**" refer to documents, publications, materials and other public records that are prepared for general distribution or that are otherwise generally available. Requests for this type of record can usually be handled quickly by personal appearance of the requester for inspection, review and copying, by phone conversations or by the mailing or other transmission of existing documents.

## Policy and Procedures

### A. The following shall be observed.

1. Every Custodian of public records shall provide any person with access to any public record, to allow inspection or to provide copies of those records in the custody or possession of the Custodian upon request.
2. This policy does not require the creation of a public record that does not exist.
3. No person requesting access, review or copying of public information or records shall be required to disclose the purpose or motive for the request. However, information **volunteered** by the requestor may help the Custodian fill the request more efficiently.
4. Responses to requests for public information or records shall be made as promptly as possible.
  - a. If a request is **granted**, copies shall be provided as soon as reasonably possible.
  - b. If a request is **denied** by the Custodian of the public record(s) involved, the denial shall be accompanied by an explanation. If asked to do so, the Custodian denying the request shall, as promptly as possible, explain the denial in writing. A copy of any written denial shall be sent to the Public Affairs Office.
5. No request for copies of public records in a particular medium shall be denied on the grounds that the Custodian has made, or prefers to make, the public records available in another form. Copies of public information or public records shall be provided in the requesting person's media of choice, provided that the department is readily capable of satisfying the request.
6. Certified copies shall be provided upon request and upon payment of appropriate fees.
7. Requests for public records will be satisfied only during the department's usual business hours.
8. No request for a public record shall be denied **on the grounds that confidential information is commingled with requested nonconfidential information**.
  - a. It shall be the department's obligation to separate confidential from non-confidential information.
  - b. The department shall charge no additional sum for separating commingled information.
9. During public inspection and copying of public records or information, the Custodian shall ensure that the public materials are not at risk of being lost, damaged, or destroyed.

### B. Procedures

1. Requests **to** the Custodian for public may be made verbally or in writing, including electronic mail.
2. Response **by** the Custodian to requests for public information may be made verbally or in writing, including electronic mail.
3. All responses to requests for Department records may include the disclaimer: "To the best of my knowledge, all non-confidential, requested information in my custody or possession has been provided."
4. Each Custodian will decide the timeframe within which whether to make photocopies or to allow the requestor to make copies, provided the timeframe will be as prompt as possible.

## C. Designation of Custodian

1. The director of each Division or non-divisional office of the Department is the Custodian of public records; however, the Director may designate at least one other employee of the Division to be the Custodian of public information or public records. Typically, the Custodian will be either a person(s) responsible for the Division's public information and/or a person(s) who is immediately responsible for specific databases, known in the Catalog of Electronic Databases as the "**data steward.**"
2. Division Directors shall provide written authorization delegating responsibility to selected custodians in their respective divisions for responding to public records requests. Copies of this authorization shall reside in the director's office and with the database administrator responsible for maintaining the Catalog of Electronic Databases.

## D. Databases

Under the public records law, a **database** is "a structured collection of data or documents residing in a database management program or spreadsheet software." It must be noted that, by law, all databases created or compiled after certain dates are to be indexed; no exceptions are provided.

Moreover, *all data compiled by state and local agencies are considered public records*. This is true whether these data are open or closed to public inspection and whether or not the particular database is subject to mandatory indexing. Agencies are required to make any non-confidential data available on request.