



## **PUBLIC RECORDS POLICY**

**PURPOSE:** Policy to establish controls over Public Records Request. Appropriate checks and balances are required to make sure information is gathered and disseminated correctly.

**SCOPE:** This policy applies to all personnel involved in gathering and responding to Public Records Request.

**POLICY STATEMENT:** Management has implemented policy and procedure in order for the Public Records Law to be followed.

### **Overview**

The Public Records Law (“PRL”) is set out in La. Rev. Stat. 44:1 through La. Rev. Stat. 44:40. It is based on the Constitutional mandate that no person shall be denied the right to observe the deliberation of public bodies and examine public documents, except in cases established by law.<sup>1</sup> Per La. Rev. Stat. 44:31(B), a person may make a public records request (“PRR”) and obtain a response via the following methods:

1. The requester may inspect the record
  2. The requester may copy the record
  3. The requester may reproduce the record
  4. The requester may obtain a copy or reproduction of the record from the public entity
1. Questions raised by the requester within a PRR: The PRR must be for a record, and not for an answer to a question. The Louisiana Attorney General is unaware of any law that entitles a requester to a response to a legal question raised by the requester.<sup>2</sup>
  2. What is a public record? The definition of what is a public record is set out in La. Rev. Stat. 44:1. Everything in the possession of a public entity used to conduct public business is a public record. However, the record may contain information that is subject to an exception, exclusion, or limitation to the PRL.
  3. It is the responsibility of the Union Parish Police Jury’s Public Records designee and/or Legal Counsel to process public record requests for the Union Parish Police Jury according to, and to promote the Union Parish Police Jury’s compliance with the PRL.

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<sup>1</sup> La. Const. art. 12, section 3.

<sup>2</sup> La. Atty. Gen. Op. No. 96-303, p. 4 (July 3, 1996).

## **Receipt and Evaluation of PRR**

1. The PRR must be in writing in order to secure at least one way to contact the requester and to track the PRR, i.e., a verbal request alone is not sufficient. The Parish provides a PRR form electronically on the Parish website (uppj.org) and physically at the Union Parish Police Jury Annex building located at 303 East Water Street, Farmerville, Louisiana.
2. By law, the requester must be of the age of majority.<sup>3</sup> It is hard to determine the requester's age if the request is not made in-person. However, if the request is made in person or remotely and there is any doubt concerning the requester's age, you may ask for identification. The Parish may make no additional inquiry of a requester other than to ask for identification.
3. Know what records are generally in the possession of the Parish.
4. If a clarification is needed as to what is being requested, or if a broad/expansive/burdensome request could be narrowed in order to produce a quicker response or get the requester exactly what they are asking for, contact the requester, preferably by telephone, for assistance.
5. If you are unable to ascertain what is being requested, you are permitted to make an inquiry regarding the specificity of the records being sought.
  - a. If the PRR is modified or clarified, confirm the modification or clarification in writing.
6. If the requester has an outstanding balance from a prior request, you do not need to conduct a search. Send the requester an initial letter stating this.

## **Creation of PRR File**

1. Assign the Public Records Request a file number.

## **Initial Letter**

1. If the PRR is for records normally kept by the Parish, send an initial letter to the requester **within five (5) days**, exclusive of Saturdays, Sundays, and legal public holidays. The initial letter is intended to acknowledge the request and satisfy statutory deadlines, which begin to run from the date that the request is received, set out in the PRL. There are six (6) basic kinds of initial letters:
  - a. Initial letter acknowledging receipt.
  - b. Initial letter stating that the Parish does not maintain these types of records and to contact another agency.
  - c. Initial letter stating that the Parish does have the records, but they may be sent in a staggering manner.
  - d. Initial letter referring to other public entities that maintain records. For example, the Parish may have building permits relating to new construction, but the Parish does not maintain the mortgage and conveyance records.
  - e. Initial letter providing electronic links and referral to records produced on our website for immediate access. This is primarily used for PRRs related to building permits, ordinances, budgets, etc.
  - f. Initial letter stating the request has been forwarded to legal counsel.

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<sup>3</sup> La. Rev. Stat. 44:31(B)(1) and La. Rev. Stat. 44:32(A).

2. The initial letter can be modified to suit the request, but should in all circumstances:
  - a. Include a statement that the documents requested are public records. (Three (3) day deadline set out in La. R.S. § 44:32(D), which says that all records in the possession of the public entity are public records).
  - b. Include a statement that the documents are in use. (Three (3) day deadline is probably only for viewing records set out in La. R.S. § 44:33(B)(1). But the statute is unclear).
  - c. Provide an estimate of the time reasonably necessary to collect, segregate, examine, redact, or review records. (Satisfies a five (5) day deadline set out in La. R.S. § 44:35(A), which if not provided to the requester, opens the Parish to a sustainable cause of action under the PRL).
    - i. Reasonable time depends upon the nature of the request and the response.
    - ii. Make sure that the estimate is in line with department director's usual estimate, and provide time for review, etc. if necessary.
  - d. If the PRR is broad and/or difficult to understand (see below), offer for review the records identified in the Records Catalog, and attach it to the initial letter.
3. Broad/ burdensome/expansive/unintelligible requests:
  - a. If a broad request is received, the custodian may allow the examiner to look through the record to find what he needs if the PRR is broad and overly burdensome and so time consuming as to interfere with the conduct of the office. For example, if a requester is requesting to review road maintenance records for multiple years then the records will be made available for inspection.
  - b. Sometimes a rolling production is more appropriate in order to at least partially accommodate a large request as quickly as possible. Document this.
4. If the requester prefers to communicate by email, request delivery and read confirmations. Add the confirmations to the physical file.
5. It is important, if the PRR is complex, to try to establish a dialogue with the requester in order to provide an accurate response.

### **PRR Viewing Station**

Electronically stored documents are available in many formats and in many locations. Formats may include Excel, Word, WordPerfect, audio/visual recordings, and Adobe. The Parish has created a computer interface, the PRR Viewing Station, for requesters to search for, inspect, and select for saving or printing records that the Parish possesses in electronic format. When a broad/burdensome/expansive request is received, offer to the requester the opportunity to come in and review any records identified in the Records Catalog, of which the PRR viewing station is a part.

### **Publish Records on the Parish's Website**

The Parish publishes many records on its website. The below are records that are commonly requested to which we refer in our initial letters:

1. Ordinance Link
2. Officials page with contact information

3. Agendas and Minutes from August 2016 forward. Agendas and Minutes are included for Committee meetings as well as Police Jury Regular/Special Meetings.
4. Department Information.
5. Current Committee Assignments
6. Consolidated Budgets from 2017 forward. Budget Messages included for years 2019 forward.
7. Line-Item Budgets from 2025 forward.
8. Monthly Revenue and Expense Reports. Monthly reports are uploaded once the jury adopts and approves after the monthly meeting.
9. Various Policies.
10. Landfill Assurance Trust Fund Information.
11. Forms include Heavy Load Permit and Union Parish Employment Application.

### **Request Responsive Documentation from Departments**

1. Determine which departments may have responsive records.
2. Send PRR to the Custodian (and anyone she/he has assigned to assist) of those departments for a response. For instance, upon receipt of a request for Road Maintenance records the request will be forwarded to the Road Department. The Road Department Administrative Assistant will be tasked with gathering those records.
  - a. Union Parish Police Jury Annex – Financial Information
  - b. Union Parish Road Department
  - c. Union Parish Sanitary Landfill
  - d. Union Parish Detention Center
  - e. Union Parish Section 8/HUD
  - f. 911
3. Ensure that we receive a Certification from the director/supervisor of the responsive department. The Certification verifies that a search has been conducted and that the response is complete. The Certification provides information as to whether the records were stored physically or electronically in order to calculate reproduction fees. The Certification asks for the time expended in responding to public record requests so that public employee time dedicated to satisfying these requests can be quantified.
4. Print email requests and responses and add to physical file.
5. The custodian is not required to scour through multitudes of records to compile or create requested lists that are not otherwise kept, or derive from such records requested information.
6. The Public Records Law does not require the public entity to sort through all of its documents in order to compile lists of information which will then be sent to a requester.

### **Review of Production – Legal Counsel**

1. Legal Counsel to review **all** producible documentation for exceptions, exclusions, and limitations to the Public Records Law, and redact or withhold documentation accordingly. Be aware of what constitutes an exception, exclusion, and/or limitation to the PRL.
2. Legal Counsel will ensure that the information contained in the record is not excepted, excluded, or exempted from the PRL.

3. Redactions
  - a. Convert email to Adobe document.
  - b. Make redactions.
  - c. Print it again in order to wipe metadata.
  - d. Document should go through three renditions in order to be able to produce it.
4. Once production is in final format, convert all documents to Adobe pdfs.

### **Problematic Requests and Other Challenges**

- a. Specific document versus “all documents “Related To,” “Concerning,” “Pertaining To,” and/or “Regarding” a subject.
  - a. Most PRR’s are for documents that are definable and finite. Those requests can be satisfied easily.
  - b. This type of request is not a request for a specific record.
  - c. A “related to,” “pertaining to,” “regarding” type of request is more of a request for information.
  - d. These requests require Legal Counsel to analyze the request.
  - e. When this type of request is received, it is more difficult to satisfy and is always a guess on part of Legal Counsel and the responsive Parish department(s).

### **Physical v. Electronic: Storage of Records**

Some documents are kept in physical format, some are kept in an electronic format. If the document is stored both ways, that is two records. Offer prior reproductions is a similar request has been submitted.

### **Response Letter**

1. Once responsive documents and a Certification have been produced Legal Counsel, and the Legal Counsel has reviewed and prepared the production, a response letter is sent to the requester. The response letter:
  - a. Sets out the number of responsive documents, distinguishing maps and other non-customary documentation.
  - b. Sets out, if necessary, whether documents were withheld or redacted, and identifies the supporting exception, exclusion, or limitation.
  - c. Sets out procedure to obtain reproduction.
2. There are generally six (6) types of response letters, but the findings letter must in any event be tailored to the PRR:
  - a. Response letter - no records
  - b. Response letter - will include information
  - c. Response letter - partial production
  - d. Response letter privileged information and that information can not be provided by law
  - e. Response letter redacted information
  - f. Response letter breakdown of costs before the information can be sent

3. If the request is for records that cannot be produced at this time, a letter should be sent to the requester stating this, providing a reason why. For example, if the request pertains to a Personnel matter then that can't be disclosed.

### **Request to Review Records**

1. If the PRR was to **review** the records:
  - a. The requester has the right to review the documents during normal business hours (**appointment must be made with custodian**) without payment of any copy costs.
2. If satisfaction of the request would be so burdensome as to interrupt the regular workings of the office, the custodian shall authorize examination of records in other than regular office or working hours.
3. A requester may photograph the records.
4. A requester may bring her/his own copy machine or scanner to the review, and copy or scan, the records.
5. "Nothing shall prevent the Custodian from maintaining the vigilance required to prevent alteration of any record while it is being examined." **This means that someone must attend the requester's review.**
6. Photograph all of the records that were reviewed, if they were physically stored. If the requester reviewed both physically stored records and electronically stored records (on the PRR viewing station), document that in a quick memo, attaching the appropriate photographs, saved to the file.

### **Production**

1. A person may inspect, copy, or reproduce a public record. Alternatively, a person may obtain a copy or reproduction of a public record.
2. Arrange, via telephone or email with the requester, how the requester would like to receive the documents.
3. Prepare enclosure letter.

### **Payment and Pick Up**

1. Printed documents - **\$1.00 per page**. Requester may provide a flash drive for the material to be copied to.
2. **Advanced payment** of charges is required before any copies are made.
  - a. Payment must be by check, money order or credit card.
  - b. Payment by cash is not allowed.
3. A receipt must be provided to the requester.

## **Closure**

1. If the Parish receives no response to its response letter asking for clarification, follow up with the requester in approximately two to three (2-3) months. In the letter notify the requester that the Parish will close the matter in two (2) weeks if the requester does not contact the Parish.
2. If the Parish has conducted a search and produced the resulting documentation to the requester, or the requester has conducted an in-person review of the records, the matter is closed.

## **Other General Information**

1. Any question by the staff regarding the interpretation of the Parish's policy or this overview should be directed immediately to the Secretary/Treasurer who will forward to Legal Counsel.
2. The goal is to promptly and adequately respond to PRR's to the best of our ability.
  - a. Offer immediate access to online records.
  - b. Do not conduct analyses to try to interpret a request, and state in writing that you are not equipped to conduct such an analysis.
  - c. Track requests so that you can quickly discern a prior unpaid request.

## **Union Parish Public Records Policy Adopted 12/30/24**

## **Union Parish Police Jury Public Records Procedure**

- Once a PRR is received the Custodian will respond via letter or email to the requestor acknowledging request.
- The PRR will be routed to the appropriate department for the document request.
- A certification must be completed by the department head certifying that all documents are accounted for OR if they were unable to locate.
- All documentation will be sent to Legal Counsel for review.
- A response will be sent to the requestor.