

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: Access to Personnel-Related Public Records Based on the
Georgia Open Records Act
POLICY NUMBER: HR-33.00
EFFECTIVE DATE: January 2009
SUPERSEDES: N/A
LAST REVISION DATE: May 2010

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to abide by the Georgia Open Records Act. The Act provides all records that are subject to disclosure to the public, unless specifically exempted for reasons such as an order by a Georgia court or by law will be available. Employees of SBHS will review and respond to all requests for access to public records in a timely manner. This policy governs only requests for personnel-related public records. Requests for access to other types of records should be addressed to the SBHS Chief Executive Officer and/or the attorney.

PUBLIC RECORDS:

- I. Unless specifically exempted by federal law, state law or by an order of the court all documents, papers, letters, maps, books, tapes, photographs, microfilm, magnetic tape, computer based or generated information, or similar material prepared, maintained or received in the course of the operations of SBHS are public records that may be inspected by any individual at a reasonable time and place.
 - A. Drafts and other unfinished documents not specifically exempted from disclosure are also considered public records
 - B. Items received or maintained by a private person or entity on behalf of SBHS
 - C. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of SBHS to the same extent that such records would be subject to disclosure if received or maintained by SBHS.

NOT CONSIDERED PUBLIC RECORDS:

- II. Public records do not include:
 - A. Records which by order of a Georgia court or by law are prohibited or specifically exempted from being open to public inspection

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- B. Certain personal information about employees is not subject to disclosure and will only be released to authorized officials. This information includes: an employee's social security number, mother's birth name, debit and credit card information, other banking/financial information, insurance and medical information and birth day/month.
- C. Preparation of reports, summaries or compilations not in existence at the time of the request. If a document does not currently exist, one should not be created.
- D. Records pertaining to the subject of a pending administrative proceeding without the prior approval of the residing administrative law judge.

CONFIDENTIALITY OF INFORMATION:

The Open Records Act exempts certain confidential information from disclosure. SBHS strives to ensure that:

- I. All employment records are securely maintained
- II. All personal and job-related information is accurate, complete, and relevant for its intended purpose
- III. All personal and job-related information is handled in a confidential, appropriate manner.
- IV. In collecting, maintaining, and disclosing employment information, SBHS makes every effort to protect every employee's privacy rights and interests and to prevent inappropriate or unnecessary disclosures.
- V. SBHS collects and retains personal information only to the extent necessary to effectively conduct business and administer employment and benefit programs. Wherever possible, if additional personal information is needed, SBHS will notify affected employees and provide them an opportunity to supply the requested data.
- VI. The Chief Executive Officer and the Human Resources Department may access SBHS employment records. Such access will not be construed as impairing the confidential nature of Human Resources records or permitting disclosure of information protected by employees' privacy rights.

TIME LIMITS:

- I. The Georgia Open Records Act requires SBHS to make public records available for inspection or copying within three (3) workdays of receiving a verbal or written request for access. Whenever possible, requests should be obtained in writing from requesters.

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The SBHS Georgia Open Records Act –Request Form 902 may be submitted by requester or used by SBHS officials to record verbal requests.

NOTE: The three (3)-work day time limit begins at 12:01 a.m. on the first workday after the request is received. Weekends and holidays are not counted in the three (3) workdays.

- II. If a requested public record cannot be made available within three (3) work days, a written description of the record and the time that it will be available for inspection or copying must be provided to the requester within the three (3) work day time limit.

NOTE: Requested records should be made available within three (3) workdays unless extraordinary circumstances prevent availability.

RESPONDING TO OPEN RECORDS REQUEST:

- I. Due to the short time frame for complying with an Open Records request, the Human Resource Manager must be immediately contacted when a personnel-related public records request is received.
- II. The Chief Executive Officer and/or attorney will work with the Human Resource Manager to determine if the requested record is subject to disclosure.
- III. If it is determined that the record is subject to disclosure, the SBHS Human Resource Manager is to respond to the requester. This response must be issued within three (3) workdays of receipt of the request. The response must include notification of any cost for assembling and/or copying the requested information. Human Resource's is required to use the most economical means available for providing copies of public records.
- IV. Records maintained on computer are to be made available electronically when requested and when possible. Necessary security should be considered prior to making computer records available electronically via the Internet, etc.
- V. If it is determined that a record is not subject to disclosure, a response must be sent to the requester that specifies the legal authority which exempts the record from disclosure. This response must be issued within three (3) workdays of receipt of the request.

FEES:

- I. Unless otherwise specified in law, a copying fee of 25 cents per page is to be charged.
- II. The actual cost of a computer disk, audiotape, etc. used to provide a requested record may be charged.

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- III. If determined appropriate, a reasonable fee may also be charged for search, retrieval and other direct administrative costs for complying with a request. No fee is charged for the first quarter hour.
- IV. Fees charged must not exceed the salary of the lowest paid full-time employee who, at the discretion of the custodian of the record, has the necessary skill and training to perform the request.

PENALTY:

Any employee who knowingly and/or willfully violates the Georgia Open Records Act by failing or refusing to provide access to public records in a timely manner may be charged with a misdemeanor punishable by a fine not to exceed \$100.00. In addition, disciplinary action up to and including separation from employment may be taken.

REFERENCES:

- I. State Law (O.C.G.A. 50-18-70, *et seq.* – Open Records Act)
- II. SBHS Employment Information Policy HR-51.00
- III. SBHS Official Personnel Files Policy HR-12.01
- IV. Rules of the State Personnel Board - Rule 9 Records

ATTACHMENT:

- I. [Georgia Open Records Act Request Form 902](#)

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

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RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date