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GOVERNOR

State of Alabama

Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
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Montgomery, AL 36130-1501
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JEFFERSON S. DUNN
COMMISSIONER

April 6, 2015

**ADMINISTRATIVE REGULATION
NUMBER**

023

**OPR: RESEARCH
AND PLANNING**

REQUESTS AND RELEASE OF PUBLIC RECORDS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies and procedures for requests and release of public records, and any associated charges for providing the records.

II. POLICY

It is the policy of the ADOC to promptly respond to record requests, comply with applicable federal and state laws regarding release of ADOC records, and assess fees associated with the cost of providing public information. The ADOC shall respond to records requests with clear, open, and honest communication, and shall utilize the law to protect the privacy of any information which is exempt from disclosure.

III. DEFINITION(S) AND ACRONYM(S)

- A. Certified Copy: A copy of a document or record signed and certified as a true copy by the employee to whose custody the original is entrusted.
- B. Labor: The time reasonably necessary to produce the requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing the Public Records.
- C. Processing Fee: Initial cost for processing a request for public records.
- D. Production Cost: All reasonable costs incurred by ADOC to produce Public Records. Production Cost includes the Processing Fee, copying cost, labor cost, and postage, as described in this Regulation.
- E. Public Records: Documents, papers, letters, maps, books, tapes, photographs, computer-based or generated information, or similar material prepared and maintained or received in the course of the operation of the ADOC. Records received from 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, the ADOC to the extent that such records would be subject to disclosure if received or maintained by the ADOC.

- F. Public Records Request: Request to examine or copy a public record.

IV. **RESPONSIBILITIES**

- A. The Research & Planning Division is responsible for:
1. Coordinating and disseminating all public records, associated with Public Records Requests, prepared, maintained, or received in the course of the operation of the ADOC.
 2. Approving or disapproving Public Records Requests.
 3. Responding to Public Records Requests.
 4. Assessing and collecting all applicable fees for Public Records Requests.
- B. Office of Health Services Division (OHS) is responsible for complying with all requests for inmate medical records and collecting the applicable reproduction and delivery fees as required by Alabama Code Section 12-21-6.1, as amended.
- C. The Legal Division is responsible for complying with all requests for records made in an official subpoena with the exception of certified inmate files. The Production Cost established for Public Records Requests shall apply to records requested by subpoena.
- D. The Central Records Division is responsible for compiling and certifying inmate records for approved Public Records Requests and those requested by subpoena.
- E. Wardens are responsible for revising or developing their Standard Operating Procedures (SOP) to comply with this Regulation.
- F. The Public Information Officer (PIO) is responsible for facilitating all requests for public information from media entities.
- G. All employees are responsible for adhering to the contents of this Regulation.

V. **PROCEDURES**

- A. All requests for inspection or copy of public records must be made in writing and submitted on ADOC Form 023-A, *Public Records Request Form*, to the Research and Planning Division as follows:

Alabama Department of Corrections
Attn: Research and Planning Division/Public Records
P.O. Box 301501

Montgomery, Alabama 36130-1501

The Public Records Request Form is available on the ADOC website at doc.alabama.gov. The completed Public Records Request Form may be mailed to the address above, hand delivered to the ADOC central office at 301 S. Ripley Street, Montgomery, Alabama 36130 to the attention of the Research and Planning Division, or submitted by email to public.records@doc.alabama.gov. Requests by telephone or fax will not be accepted. Note: In the event the Public Records Request Form is submitted by email, no work will commence on the request until the Processing Fee, as described below, is received by ADOC.

- B. A Processing Fee for all Public Records Requests will be assessed. This non-refundable fee must be included with the submission of the Public Records Request Form. This minimum fee must be made by cashier's check or money order only.
- C. When a Public Records Request is received by any division or facility in the ADOC, such shall be immediately forwarded by email to public.records@doc.alabama.gov or by handmail to the Research and Planning Division. Designated Research and Planning Division personnel will confirm receipt of the public records request.
- D. Although state law does not specify a timeframe by which Public Records Requests must be fulfilled, upon receipt of a completed Public Records Request Form and Processing Fee, the ADOC will provide a prompt acknowledgement of receipt of the request, to include any deficiencies, such as, but not limited to: a) a vague, non-specific request, b) an improperly completed form, and c) records not maintained by the ADOC.
- E. An itemized invoice of the estimated Production Cost will be provided as soon as the records are located and assessed for costs. Upon receipt of payment for estimated Production Cost, ADOC will begin production of the documents. Upon completion, ADOC will provide an itemized invoice reflecting the final cost. No records will be made available to the requesting party until ADOC receives payment of the total cost set forth on the final invoice. ADOC will attempt to comply with all requests within thirty (30) business days of receipt of final Production Cost.
- F. The Research and Planning Division will provide instructions to the appropriate departmental divisions, facilities, centers, or units to respond to Public Records Requests.
- G. ADOC will comply with Public Records Requests by providing printed copies of available records, or making public information available for personal inspection.

There shall be no copy charge if a requesting party uses a camera or other electronic device to make a copy of a public record. However, other Production Cost, as set forth in this Regulation, will apply.

- H. Reasonable fees shall be assessed for Production Cost associated with complying with a Public Records Requests, as set forth in attached Annex A – Public Records Production Cost Schedule.
- I. There shall be no charge for Production Cost associated with providing documents to governmental, corrections, or other criminal justice agencies.
- J. Payment for production of records shall be made by cashier's check or money order only and must be received by Research and Planning before any copies are produced.
- K. The Research and Planning Division shall ensure that an original receipt is generated that documents each invoiced payment received.
 - 1. A copy of the receipt(s) will accompany the documents produced to the requesting party (see Annex B: Sample).
 - 2. A copy of the receipt(s) and the payment will be forwarded to Accounting for deposit into the appropriate fund.
 - 3. Payments received in excess of the actual Production Cost will be reimbursed at the time of delivery.
- L. The Processing Fee shall be waived for current inmates who request routine documents from their inmate file. However, other Production Cost shall still apply. All requests for public records from current inmates will be charged as set forth in this Regulation and must be submitted on ADOC Form 023-A, *Public Records Request Form*.

VI. DISPOSITION

Any forms used will be retained or disposed of according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

ADOC Form 023-A, *Public Records Request Form*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 023, *Requests and Release of ADOC Documents*, dated January 30, 2006, and any changes.

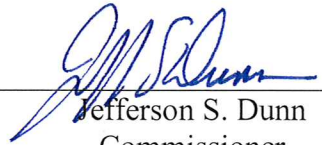
IX. PERFORMANCE

- A. Sections 14-1-1.1, 14-1-1.2, 36-12-40 through 41, Code of Alabama, 1975, as amended.

- B. ADOC Accounting Manual.

ANNEXES:

- A. Public Records Production Cost Schedule.
- B. Sample: Receipt for Public Records Request.



Jefferson S. Dunn
Commissioner



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State of Alabama

Department of Corrections

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JEFFERSON S. DUNN
COMMISSIONER

PUBLIC RECORDS REQUEST FORM

To conserve taxpayer provided resources, there are policies and procedures governing the orderly production of public records for inspection and reproduction. All requests for inspection or copy of public records must be made in writing and submitted on this Public Records Request Form. Read and follow the attached INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS before submitting this Request. Please complete all information in the fields provided (type or print).

Name of Requesting Party: _____
Organization Name: _____
Mailing Address: _____
Street or P.O. Box

City _____ State _____ Zip Code _____
Telephone Number: _____ Mobile Number: _____
E-mail Address: _____
Description of Record(s) to be viewed and/or copied: _____

Proposed Use of Records: _____

(The Alabama Open Records Act and related case law allows state agencies to require a reason be provided to show a direct, legitimate interest in the specific document(s) requested. Your statement should communicate a direct interest in the specific records required (i.e. "I am a student doing a paper on...") and should not be general statements of entitlement (i.e. "I am a Taxpayer" or "It is a public document.")).

A non-refundable, minimum Processing Fee (as set forth in the attached Annex A – Public Records Production Cost Schedule) shall be due with submission of this form and must be in the form of cashier's check or money order. See the attached Instructions for Requesting Inspection or Copy of Public Records for further information on costs and other conditions.

I have read the INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS and agree to the terms and conditions stated therein, including the requirement for advance payment of the minimum Processing Fee, payment for estimated Production Cost, and payment of the final costs prior to production of the requested documents.

Signature of Requesting Party _____

Date of Request _____

Print Name _____

(ADOC recognizes and supports the public's right to inspect and request copies of public records in accordance with state law. Many public records are available on the ADOC website: www.doc.alabama.gov. Therefore, please view the website prior to submitting a request for records as your request may be satisfied by the information contained therein.)

STATE OF ALABAMA, DEPARTMENT OF CORRECTIONS ("ADOC")
INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS

Alabama law makes public records available for inspection and/or copy by its citizens, subject to exceptions specified by law (§36-12-40 and 41, Code of Alabama, 1975, as amended). These exceptions generally direct that certain information is privileged or confidential and shall not be disclosed. In the interest of efficiency and conservative economy of taxpayer funds, the following procedure has been established to provide an orderly method for requesting inspection and/or copy of public records that are within the jurisdiction of the ADOC.

READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.

1) Complete the "PUBLIC RECORDS REQUEST FORM and submit it to the ADOC as follows:

Alabama Department of Corrections

Attn: Research and Planning Division/Public Records

P.O. Box 301501

Montgomery, Alabama 36130-1501

The completed Public Records Request Form must be mailed to the post office box listed above, hand delivered to the ADOC central office at 301 S. Ripley Street, Montgomery, Alabama 36104, or emailed to public.records@doc.alabama.gov. Requests by telephone or fax will not be accepted. A non-refundable, minimum Processing Fee (as set forth in the attached Annex A – Public Records Production Cost Schedule) in the form of cashier's check or money order only must accompany the completed Public Records Request Form.

2) Upon receipt by ADOC of the completed Public Records Request Form and Processing Fee, the ADOC will provide a prompt acknowledgment of receipt of the request, to include any deficiencies, such as, but not limited to: a) a vague, non-specific request, b) an improperly completed form, and c) records not maintained by the ADOC. As soon as the records are located and assessed for costs, an itemized invoice of the estimated Production Cost will be provided to the Requesting Party. Upon receipt of payment for the estimated Production Cost, the ADOC will begin production of the documents. Upon completion, ADOC will provide an itemized invoice of the final Production Cost. No records will be made available to the Requesting Party until the ADOC receives payment of the total costs set forth on the final invoice. The ADOC will attempt to comply with all requests within thirty (30) business days of receipt of final Production Cost. The following are the detailed costs involved in processing Public Records Requests:

The Processing Fee will cover the first hour of Labor. Any additional Labor cost needed to fulfill the request shall be calculated at the rate per hour listed in the attached Annex A – Public Records Production Cost Schedule. Partial hours will be rounded to the next full hour. An itemized example of the cost breakdown is shown as follows:

Minimum Processing Fee (includes first hour of labor)	= \$ _____
_____ Labor hours @ \$ _____ per hour	= _____
_____ black and white pages @ \$ _____ per page	= _____
_____ color pages @ \$ _____ per page	= _____
_____ certified pages @ \$ _____ per page	= _____
_____ postage @ current rate	= _____
Total Cost of Production:	= _____
Less: Prepaid Processing Fee	(\$ _____)
Final Payment Due:	\$ _____

Payment for Production Cost shall be made by cashier's check or money order only and must be received by ADOC before any copies are produced. ADOC will provide a receipt with the documents when produced. Any payments received by the ADOC in excess of the actual Production Cost will be reimbursed at the time of delivery of the requested documents.

3) Records requested MAY be available for viewing depending on the method in which the records are stored. Certain records are available for copying only because ADOC must print the requested records. If the requested records are available for viewing, the Requesting Party will be notified when the records are available as explained below and of the estimated cost.

4) If requested records are available for viewing: When notified that the records are available, the Requesting Party should contact the Department of Corrections Research and Planning Division to schedule an appointment to view the records at the location where the records are maintained. Appointments are available between 9AM and 3PM, Monday through Friday, except for holidays. Upon viewing, documents may be identified for copying. Production Cost will apply.

ALABAMA DEPARTMENT OF CORRECTIONS
PUBLIC RECORDS PRODUCTION COST SCHEDULE
(Current Costs Incurred by ADOC to Produce Public Records)

- | | | |
|----|----------------------------|----------------------------|
| 1. | <u>PROCESSING FEE</u> - | \$25.00 |
| 2. | <u>LABOR (per hour)</u> - | \$23.00 |
| 3. | <u>Copies (per page)</u> - | |
| | Black and White: | \$.50 |
| | Color | \$.75 |
| | Certified | \$ 1.00 |
| 4. | <u>Postage:</u> | Calculated at Current Rate |

Production Cost must be paid by cashier's check or money order only and made payable to The Alabama Department of Corrections.



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RECEIPT FOR PUBLIC RECORDS REQUESTS

TOTAL ITEMIZED COSTS TO PRODUCE REQUEST

Minimum Processing Fee (includes first hour of labor) = \$ 25.00

_____ labor hours @ \$23.00 per hour = _____

_____ black and white pages @ \$.50 per page = _____

_____ color pages @ \$.75 per page = _____

_____ certified pages @ \$1.00 per page = _____

_____ postage @ current rate = _____

Total Cost of Production: \$ _____

Less: Prepaid Processing Fee (\$25.00)

Final Payment Due: \$ _____

Payment Received from: _____

Form of Payment Made By: _____ Cashier's Check _____ Money Order

Description of Records Produced (list or describe all documents provided to requestor)

ADOC Employee/Custodian Signature

Date