



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
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(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

February 19, 2025

ADMINISTRATIVE REGULATION
NUMBER 023

OPR: LEGAL

PUBLIC RECORDS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, procedures, and responsibilities for requesting, disclosing, and providing public records.

II. POLICY

It is the policy of the ADOC to promptly respond to properly submitted Public Record Requests and, upon receipt of prepayment of applicable fees, to disclose and provide ADOC Public Records to residents permanently domiciled in Alabama in accordance with applicable federal and state laws.

III. DEFINITIONS AND ACRONYMS

- A. Actual Costs: All reasonable costs incurred by ADOC to provide the requested Public Records.
- B. Certification: A signed verification that a Public Record is a true copy by the employee to whose custody the original is entrusted.
- C. Labor: The time reasonably necessary to provide the requested Public Records, including the time spent locating (including searching through both paper files and electronic databases), retrieving, reviewing, and providing the Public Records.
- D. Processing Fee: Non-refundable cost of \$20.00 for processing a Public Records Request, which will cover the first hour of labor involved in locating and

providing the requested Public Records, that must be received before work commences on processing the Public Records Request.

- E. **Public Records**: Documents, papers, letters, maps, books, tapes, photographs, computer-based or -generated information, or similar material prepared, maintained, or received in the course of the normal operation of ADOC that are reasonably necessary to record the businesses and activities of ADOC.
- F. **Public Records Coordinator**: The ADOC employee responsible for coordinating ADOC responses to Public Records Requests.
- G. **Public Records Request**: A request to physically inspect or copy a Public Record.
- H. **Requesting Party**: The individual who submits the Public Records Request.
- I. **Standard Request**: A Public Records Request that ADOC determines seeks specifically and discretely identified Public Records that requires no or minimal clarification by the Requesting Party that would take less than an estimated eight (8) hours of ADOC staff time to process. This includes the time needed to identify and retrieve any responsive Public Records and to withhold information not subject to public disclosure.
- J. **Time-Intensive Request**: A Public Records Request that ADOC determines would take more than an estimated eight (8) hours of ADOC staff time to process. This includes the time needed to identify and retrieve any responsive Public Records—including because the Public Records Request is vague, ambiguous, overly broad, or unreasonable—and to withhold information not subject to public disclosure.

IV. **RESPONSIBILITIES**

- A. The ADOC Commissioner (or designee) is responsible for making the final determination for all appeals related to the denial of Public Records Requests.
- B. The ADOC General Counsel is responsible for designating and supervising the Public Records Coordinator.
- C. The Public Records Coordinator is responsible for:
 - 1. Receiving, processing, and responding to all Public Records Requests.
 - 2. Ensuring prompt and timely responses to Public Records Requests.

3. Ensuring that all applicable fees for Public Records Requests are assessed and collected before Public Records are processed, disclosed, or provided to the Requesting Party.
 4. Assisting ADOC employees with identifying Public Records that are responsive to approved Public Records Requests.
 5. Coordinating the disclosure of Public Records that are responsive to approved Public Records Requests.
 6. Coordinating with the General Counsel to determine whether ADOC records are responsive to a Public Records Request or contain information not subject to public disclosure.
- D. The Chief Financial Officer (or designee) is responsible for ensuring the deposit of payments for Processing Fees and Actual Costs into the appropriate fund.
- E. The Division Director (or designee) from each division is responsible for ensuring the compilation and certification of Public Records from that division that are responsive to approved Public Records Requests.
- F. The Warden (or designee) at each facility is responsible for ensuring the compilation and certification of Public Records from that facility that are responsive to approved Public Records Requests.
- G. All ADOC employees are responsible for complying with the contents of this AR.

V. PROCEDURES

- A. Submitting Public Records Requests.
1. The Requesting Party shall submit Public Records Requests in writing on a properly completed ADOC Form 023-A, *Public Records Request Form*, to the Public Records Coordinator.
 2. The Requesting Party shall include the following information on ADOC Form 023-A, *Public Records Request Form*, before the Public Records Coordinator may consider it to be properly completed Public Records Request.
 - a. The Requesting Party's information.
 - b. The specific and detailed description and identification of the requested Public Records.
 - c. The proposed use of the requested Public Records.

- d. The preferred format to receive the requested Public Records.
 - e. The option to receive a certification with the requested Public Records.
 - f. The Requesting Party's signature attesting that the Requesting Party has read and is in compliance with this AR and applicable state and federal laws.
3. The Requesting Party shall submit a properly completed ADOC Form 023-A, *Public Records Request Form*, through one of the following methods:
- a. Via e-mail to: public.records@doc.alabama.gov.
 - b. Via hand-delivery to:

Alabama Department of Corrections
ATTN: Public Records Coordinator, Legal Division
301 South Ripley Street
Montgomery, Alabama 36104
 - c. Via U.S. mail to:

Alabama Department of Corrections
ATTN: Public Records Coordinator, Legal Division
Post Office Box 301501
Montgomery, Alabama 36130-1501
 - d. Via electronic submission on ADOC's public website: doc.alabama.gov.
4. The Requesting Party shall not submit Public Records Requests through telephone, fax, or other methods not provided in Section V.A.3. above.
5. The Public Records Coordinator shall not process or respond to any Public Records Requests that are improperly submitted.
6. The Public Records Coordinator shall consider Public Records Requests as improperly submitted if the Requesting Party:
- a. Submits a Public Records Request that does not comply with this AR or applicable state and federal laws.
 - b. Submits a Public Records Request that requests information that is not a Public Record.

- c. Submits a Public Records Request that requests Public Records for an illegitimate, improper, or illegal purpose.
 - d. Fails to submit a Public Records Request directly to the Public Records Coordinator.
- 7. Any ADOC division or facility in receipt of an improperly submitted Public Records Request shall immediately:
 - a. Record the date and the division or facility in which the improperly submitted Public Records Request was received.
 - b. Forward that improperly submitted Public Records Request to the Public Records Coordinator through one of the methods provided in Section V.A.3.a.–b. above.
- 8. The Public Records Coordinator shall have the discretion to take actions that are reasonably necessary to ensure the businesses and activities of the ADOC are carried on efficiently and without undue interference.

B. Processing Fees.

- 1. The Public Records Coordinator shall assess a Processing Fee for all Public Records Requests.
- 2. The Requesting Party shall include payment for the Processing Fee, which indicates both the Public Records Request and the Requesting Party with which it is associated, with the submission of the ADOC Form 023-A, *Public Records Request Form*.
 - a. The Requesting Party electronically submitting a Public Records Request shall submit payment for the Processing Fee on the same day that Requesting Party electronically submits the Public Records Request.
- 4. The Requesting Party shall submit payment for the Processing Fee by either:
 - a. Business Check.
 - b. Cashier's Check.
 - c. Money Order.
- 5. The Public Records Coordinator shall not commence work on processing the Public Records Request until the Public Records Coordinator receives total payment for the Processing Fee.

6. A Requesting Party who submits payment that is not paid or honored by a financial institution may be:
 - a. Reported to the appropriate authorities for prosecution.
 - b. Required to pay any applicable non-sufficient funds fees or charges.
 - c. Required to pay any future costs using certified funds.
7. The Public Records Coordinator shall not require a Requesting Party to submit payment for the Processing Fee if that Requesting Party is either:
 - a. A correctional agency.
 - b. A law enforcement agency.
 - c. An inmate currently within ADOC custody who is requesting routine documentation from that inmate's Inmate Central Records File.

C. Acknowledgment of Receipt.

1. The Public Records Coordinator shall provide the Requesting Party with an acknowledgement of receipt of a properly submitted Public Records Request within ten (10) business days from receipt.
 - a. The Public Records Coordinator may include in the acknowledgment of receipt of a properly submitted Public Records Request a request to the Requesting Party to submit the mandatory Processing Fee.
 - b. The Public Records Coordinator may provide the Requesting Party with a reasonable timeframe for the Requesting Party to submit the mandatory Processing Fee.
2. The Public Records Coordinator shall not be required to provide the Requesting Party with an acknowledgment of receipt of an improperly submitted Public Records Request.
 - a. The Public Records Coordinator may provide the Requesting Party with an acknowledgment of receipt of an improperly submitted Public Records Request that advises the Requesting Party that the Public Records Coordinator will not process the improperly submitted Public Records Request unless and until the Requesting Party properly submits an amended Public Records Request that contains all required information.

- b. The Public Records Coordinator may provide the Requesting Party with a reasonable timeframe for the Requesting Party to submit an amended Public Records Request that contains all required information.

D. Assessing Actual Costs.

1. The Public Records Coordinator shall forward approved Public Records Requests to the appropriate Division Director/Warden (or designee) who is responsible for compiling and certifying Public Records from that division or facility to begin locating the requested Public Records.
2. The Division Director/Warden (or designee) shall locate the requested Public Records and provide the Public Records Coordinator with the estimated labor and costs involved in locating and providing the requested Public Records.
3. The Public Records Coordinator shall include the costs for the following items when assessing Actual Costs:
 - a. The total number of hours of labor involved in locating and providing the requested Public Records.
 - b. The total number of copies required to provide the requested Public Records.
 - c. The total number of compact discs required to provide the requested Public Records.
 - d. The total number of jump drives required to provide the requested Public Records.
 - e. The total postage cost required to provide the requested Public Records via U.S.P.S. First-Class Mail.
 - f. Any other costs associated with locating, disclosing, and providing the requested Public Records.
4. The Public Records Coordinator shall prepare and provide the Requesting Party with ADOC Form 023-B, *Public Records Request Invoice*, with the initial estimated Actual Costs:
 - a. As soon as practicable from providing the Requesting Party with an acknowledgement of receipt of a Standard Request.
 - b. Within fifteen (15) business days from providing the Requesting Party with an acknowledgement of receipt of a Time-Intensive Request.

- (1) The Public Records Coordinator shall also include the reasons why that Public Records Request qualifies as a Time-Intensive Request.
5. The Requesting Party shall submit to the Public Records Coordinator within fifteen (15) business days from the date the Public Records Coordinator provides ADOC Form 023-B, *Public Records Request Invoice*, to the Requesting Party either:
 - a. Payment for the Actual Costs in the same manner as payment for the Processing Fee in accordance with Section V.B. above.
 - b. A request to withdraw the Public Records Request.
 - c. A request to withdraw a Time-Intensive Request and submit a Standard Request instead, which would not require the Public Records Coordinator to assess an additional Processing Fee.
6. The Public Records Coordinator shall prepare and provide the Requesting Party with ADOC Form 023-B, *Public Records Request Invoice*, with the final Actual Costs once the Public Records are ready for disclosing or providing, if the final Actual Costs are different from the initial estimated Actual Costs.
7. The Public Records Coordinator shall deny a Public Records Request if payment for the Actual Costs is not properly received within fifteen (15) business days from the date included on the ADOC Form 023-B, *Public Records Request Invoice*.
8. The Public Records Coordinator shall not provide the Requesting Party with the requested Public Records until the Public Records Coordinator receives total payment for all Actual Costs.
9. The Public Records Coordinator shall not require a Requesting Party to submit payment for the Actual Costs involved in providing the requested Public Records if that Requesting Party is either:
 - a. A correctional agency.
 - b. A law enforcement agency.
- E. Certification of Public Records.
 1. The Public Records Coordinator shall assess a fee for all Certification Requests.

2. The Requesting Party shall include payment for the Certification Request with the submission of and in the same manner as payment for the Processing Fee in accordance with Section V.B. above.
3. The Public Records Coordinator shall notify the Division Director/Warden (or designee) who is responsible for compiling Public Records from that division or facility that the Requesting Party included a Certification Request on ADOC Form 023-A, *Public Records Request Form*.
4. The Division Director/Warden (or designee) who is responsible for compiling Public Records from that division or facility shall complete and provide ADOC Form 023-C, *Public Records Request Certification*, along with the requested Public Records to the Public Records Coordinator.
5. The Public Records Coordinator shall provide the Requesting Party with the completed ADOC Form 023-C, *Public Records Request Certification*, along with the requested Public Records if that Requesting Party also requested and submitted payment for a Certification Request.

F. Receipt of Payments.

1. The Public Records Coordinator shall maintain a list and a copy of all payments received for Processing Fees and Actual Costs on each Public Records Request.
2. The Public Records Coordinator shall submit all payments received for Public Records Requests to the ADOC Chief Financial Officer (or designee).

G. Format of Disclosing or Providing Public Records.

1. The Public Records Coordinator shall have the discretion to regulate the format of disclosing or providing Public Records.
2. The Public Records Coordinator shall take reasonable steps to provide the Requesting Party with the requested Public Records in the same format that the Requesting Party indicated on ADOC Form 023-A, *Public Records Request Form*.

H. Inspection of Public Records.

1. The Public Records Coordinator shall notify the Requesting Party requesting the personal inspection of the requested Public Records:
 - a. Whether the requested Public Records are available for personal inspection.

- b. When the requested Public Records will be available for personal inspection.
 - c. The location where the Requesting Party may personally inspect the requested Public Records.
 - 2. The Requesting Party shall contact the Public Records Coordinator within five (5) business days from the date the Public Records Coordinator notifies the Requesting Party that the requested Public Records are available for personal inspection to request an appointment to personally inspect the Public Records at the location where those Public Records are maintained.
 - 3. The Public Records Coordinator shall deny a Public Records Request and return the requested Public Records to the appropriate Division Director/Warden (or designee) if the Requesting Party does not contact the Public Records Coordinator to request an appointment to personally inspect the requested Public Records within five (5) business days from the date the Public Records Coordinator notifies the Requesting Party that the requested Public Records are available for personal inspection.
 - 4. The Requesting Party may request an appointment to personally inspect Public Records only between 9:00 A.M. and 3:00 P.M., Monday through Thursday, except for holidays.
 - 5. The Public Records Coordinator (or designee) shall provide the Requesting Party with requested copies of specifically identified Public Records upon payment of Actual Costs.
 - 6. The Public Records Coordinator shall not require the Requesting Party who is personally inspecting Public Records to submit payment for copies of those Public Records if the Requesting Party uses a personal electronic device to copy those Public Records.
- I. Timeframes for Disclosing or Providing Public Records.
- 1. The Public Records Coordinator shall disclose or provide the requested Public Records to the Requesting Party within:
 - a. Fifteen (15) business days from the date that the Public Records Coordinator receives total payment for all Actual Costs from the Requesting Party for a Standard Request.
 - b. Forty-five (45) business days from the date that the Public Records Coordinator receives total payment for all Actual Costs from the Requesting Party for a Time-Intensive Request.

2. The Public Records Coordinator may extend the timeframes to disclose or provide Public Records in increments of either:
 - a. Fifteen (15) business days for a Standard Request.
 - b. Forty-five (45) business days for a Time-Intensive Request.
3. The Public Records Coordinator will notify the Requesting Party in writing of each extension of the timeframes to disclose or provide Public Records.
4. The timeframes for the Public Records Coordinator to disclose or provide Public Records shall be automatically tolled upon the Public Records Coordinator's request for clarification or additional information from the Requesting Party.
 - a. The timeframes for the Public Records Coordinator to disclose or provide Public Records shall restart only upon the Public Records Coordinator's receipt of the requested clarification or additional information as if the Requesting Party has submitted a new Public Records Request.
 - b. The Public Records Coordinator shall deny a Public Records Request if the Requesting Party fails to submit the requested clarification or additional information within the timeframes the Public Records Coordinator specifies in the request.

J. Non-Disclosure of Public Records.

1. The Public Records Coordinator shall not disclose or provide information that is not a Public Record.
2. ADOC employees shall not create new Public Records in response to a Public Records Request if the requested Public Record does not already exist.
3. The Public Records Coordinator shall not disclose and provide Public Records to a Requesting Party who is not a resident permanently domiciled, with an expectation to remain, in the State of Alabama.
 - a. The Public Records Coordinator shall deny a Public Records Request submitted by a Requesting Party who is not a resident permanently domiciled, with an expectation to remain, in the State of Alabama.
 - b. The Public Records Coordinator may request the Requesting Party to submit proof that the Requesting Party is a resident permanently domiciled, with an expectation to remain, in the State of Alabama before processing a Public Records Request.

- c. The Public Records Coordinator may respond to a Public Records Request from a Requesting Party who is not a resident permanently domiciled, with an expectation to remain, in the State of Alabama, and such response shall not operate as a waiver to deny any other Public Records Requests from a Requesting Party who is not a resident permanently domiciled, with an expectation to remain, in the State of Alabama.
 4. The Public Records Coordinator shall not disclose or provide private, confidential, sensitive, investigatory, detrimental, privileged, proprietary, protected, or otherwise nonpublic information that is exempt from disclosure by applicable state and federal laws.
 5. The Public Records Coordinator shall not disclose or provide Public Records regarding any matter related to a pending or threatened action, suit, or proceeding to a Requesting Party who is a party to such pending or threatening action, suit, or proceeding, and submits a Public Records Request in lieu of the proper discovery methods provided under applicable state and federal laws and rules of procedure.
 6. The Public Records Coordinator shall not disclose or provide Public Records regarding procurements or contracts either:
 - a. Prior to the award of invitations to bid, requests for bids, requests for proposals, requests for qualifications, or similar solicitations.
 - b. Pursuant to cancelled or unawarded invitations to bid, requests for bids, requests for proposals, requests for qualifications, or similar solicitations related to other pending procurements or contracts.
 7. The Public Records Coordinator shall not disclose or provide requested Public Records that are available on ADOC's public website: doc.alabama.gov.
 8. The Public Records Coordinator may disclose or provide information to other correctional, law enforcement, or regulatory agencies without waiving any applicable confidentiality, privilege, or exemption from public disclosure.
- K. Appealing the Denial of a Public Records Request.
1. The Requesting Party may appeal the Public Records Coordinator's denial of that Requesting Party's Public Records Request by submitting a properly completed ADOC Form 023-D, *Public Records Request Appeal*, to the ADOC Commissioner (or designee) within ten (10) business days from the date the Public Records Coordinator denies the Public Records Request.

2. The ADOC Commissioner (or designee) shall provide a written decision to the Requesting Party within:
 - a. Fifteen (15) business days from the date that the ADOC Commissioner (or designee) receives the properly completed ADOC Form 023-D, *Public Records Request Appeal*, from the Requesting Party for a Standard Request.
 - b. Forty-five (45) business days from the date that the ADOC Commissioner (or designee) receives the properly completed ADOC Form 023-D, *Public Records Request Appeal*, from the Requesting Party for a Time-Intensive Request.
3. The ADOC Commissioner (or designee) may extend the timeframes to provide a written decision in increments of either:
 - a. Fifteen (15) business days for a Standard Request.
 - b. Forty-five (45) business days for a Time-Intensive Request.
4. The ADOC Commissioner (or designee) will notify the Requesting Party in writing of each extension of the timeframes to provide a written decision.
5. The ADOC Commissioner (or designee) shall not be required to provide a written decision regarding any improperly completed or improperly submitted ADOC Form 023-D, *Public Records Request Appeal*.
6. The Requesting Party shall fully exhaust this administrative appellate remedy, including properly submitting a properly completed ADOC Form 023-D, *Public Records Request Appeal*, to the Commissioner (or designee) and receiving a written response from the Commissioner (or designee), as a mandatory prerequisite to seeking any judicial review.

L. Requests for Information Not Considered Public Records.

1. Requests for information related to news media, requests for which the Requesting Party shall submit in accordance with AR 005, *Public Information*.
2. Requests for medical records (e.g., autopsies, death certificates, etc.), requests for which the Requesting Party shall submit in accordance with the ADOC Office of Health Services policy via e-mail to ohs.medicalrecords@doc.alabama.gov.

VI. DISPOSITION

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

VII. FORMS AND ANNEXES

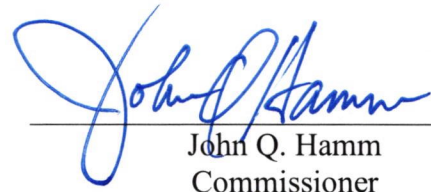
- A. ADOC Form 023-A, *Public Records Request Form*.
- B. ADOC Form 023-B, *Public Records Request Invoice*.
- C. ADOC Form 023-C, *Public Records Request Certification*.
- D. ADOC Form 023-D, *Public Records Request Appeal*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 023, *Requests and Release of Public Records*, dated February 24, 2023, and any related changes.

IX. PERFORMANCE

- A. Code of Alabama 1975 §§ 14-1-1.1 *et seq.*; 36-12-40 *et seq.*; 41-13-1 *et seq.*



John Q. Hamm
Commissioner



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JOHN Q. HAMM
COMMISSIONER

PUBLIC RECORDS REQUEST FORM

Instructions:

In accordance with ADOC Administrative Regulation No. 023, *Public Records*, the Requesting Party shall complete this Form in its entirety and include payment for the non-refundable Processing Fee of \$20.00, which indicates both the Public Records Request and the Requesting Party with which it is associated, with the submission of this Form.

Requesting Party Name:			
Organization Name:			
	<input type="checkbox"/> Correctional Agency	<input type="checkbox"/> Law Enforcement Agency	
Mailing Address:			
City/State/Zip Code:			
Alabama Residency Attestation:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Telephone Number:		Mobile Phone Number:	
E-Mail Addresses:			
Inmate Name:		AIS No.:	DOB:
Description of Requested Public Records: (Please be specific and include as much detail as possible regarding the description and identification of the requested Public Records.)			
Proposed Use of Requested Public Records:			
Preferred Format to Receive Public Records:	<input type="checkbox"/> Paper Copies	<input type="checkbox"/> Electronic Copies	<input type="checkbox"/> Personal Inspection
Certification Request:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Attestation: By signing below, I, the Requesting Party, attest under penalty of perjury that I have read and am in compliance with ADOC Administrative Regulation No. 023, <i>Public Records</i> (available at https://doc.alabama.gov/docs/AdminRegs/AR023.pdf) and any other applicable state and federal laws.			
Requesting Party Signature:	Requesting Party Printed Name:		
Date of Submission:			



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JOHN Q. HAMM
COMMISSIONER

PUBLIC RECORDS REQUEST INVOICE

Instructions:

The Alabama Department of Corrections ("ADOC") Public Records Coordinator is in receipt of your Public Records Request. In accordance with ADOC Administrative Regulation No. 023, *Public Records*, you must remit payment for the below Actual Costs to the ADOC Public Records Coordinator, Legal Division, at the above-listed address within fifteen (15) business days before ADOC will disclose or provide any requested Public Records. The ADOC Public Records Coordinator will deny your Public Records Request and not disclose or provide the requested Public Records if you fail to properly submit timely payment for this Invoice.

Public Records Request No.:		Public Records Request Invoice Date:	
Actual Costs:	<input type="checkbox"/> Estimated	<input type="checkbox"/> Final	
_____ Labor Hours (\$20.00/hour)	=	\$	_____ 0.00
_____ Copies (\$0.50/page)	=	\$	_____ 0.00
_____ Computer Discs (\$5.00/each)	=	\$	_____ 0.00
_____ Jump Drives (\$15.00/each)	=	\$	_____ 0.00
_____ Postage (Current U.S.P.S. Rate)	=	\$	_____ 0.00
_____ Other:	=	\$	_____ 0.00
TOTAL ACTUAL COSTS DUE:	=	\$	_____ 0.00



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COMMISSIONER

PUBLIC RECORDS REQUEST CERTIFICATION

Requesting Party Name:		Public Records Request No.:	
Inmate Name:		AIS No.:	
Certification: I hereby certify and affirm that I am the Custodian of Records of the enclosed documents and that such documents are true and exact copies of the requested Alabama Department of Corrections ("ADOC") Public Records, which are prepared, maintained, or received in the course of the normal operation of the ADOC.			
Printed Name:		Title:	
Signature:		Date:	
Notarization: SWORN AND SUBSCRIBED before me this _____ day of _____, 20____.			
Notary Public Signature:		My Commission Expires:	

