	<b>Department of Human Services Online Directives Information System</b>	Index:  Current Review:  Next Review:	POL1200  01/08/2024  01/08/2026
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**SUBJECT: Maintaining Compliance with the Georgia Open Records Act**

**POLICY:**

The Open Records Act (ORA), enacted by the Georgia General Assembly, places an emphasis on the importance of open government. In instituting the ORA, the General Assembly declared that in order to ensure transparency in government it is essential that the public have unencumbered access to public records. It is with this same intent that the Department of Human Services (DHS) introduces this policy to insure compliance with the ORA.

The policy of DHS is to comply with the provisions of the ORA when responding to requests for documentation maintained by the Department. This policy requires timely response to requests for information and mandates strict compliance with a process that facilitates the public inspection all public records, except those which are specifically exempted from disclosure.

**A. Authority**

O.C.G.A. § 50-18-70 et seq.

**B. Applicability**

This policy is applicable to all divisions and offices of DHS.

**C. References**

[PROC120: Responding to Open Records Requests](#)

**D. Definitions**

*Public record:* all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.

**E. Responsibilities**

The Open Records Officer designated by the Commissioner of the Department of Human Services is responsible for fulfillment of records requests and issuing responses received pursuant to the Open Records Act. DHS employees that receive an open


record request should direct the requestor to the open records officer.

**F. History**

Replaces POL1200, last reviewed 02/08/2022.

**G. Evaluation**

The General Counsel evaluates the effectiveness of this policy every two years.

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**SUBJECT: Responding to Open Records Requests**

**PROCEDURE:**

The Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., requires that the Department of Human Services (DHS) allow public inspection of all records, except those which are specifically exempted from disclosure. As a departmental process, open records requests flow through the Office of General Counsel (OGC) to the Open Records Officer as designated under O.C.G.A. § 50-18-71(b)(2). This process assists DHS with complying with the Open Records Act and ensures that protected information is secure from disclosure.

The ORA not only requires that public records be open for public inspection, but contains an additional requirement that the records be made available to the public within three business days, as defined in O.C.G.A. § 50-18-71(b)(1)(A).

**A. Authority**

O.C.G.A. § 50-18-70 et. seq.

**B. References**

[POL1200: Maintaining Compliance with the Georgia Open Records Act](#) (Office of General Counsel)

**C. Process**

**C.1. Requirements Under the Open Records Act**

Records requested pursuant to the ORA must be made available for review or provided to the requester within 3 business days following the date the request was received. If records do exist but are unable to be made available to the requester within 3 business days, DHS must notify the requester in writing, provide a timeline for when the records will be available for inspection or copying, and provide the responsive records or access thereto as soon as practicable. The time period for response begins on the morning of the business day following the business day on which the request was received and ends at close of business on the third business day. Weekends and holidays do not apply.

Any records or documents created during the normal course of business which are not otherwise protected from disclosure are subject to disclosure under the ORA. Any record that is subject to disclosure, which contains any information that is deemed confidential by state or federal law, must be appropriately redacted prior to disclosure.

According to O.C.G.A. § 50-18-71(j), no public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request.

## **C.2. Where to Send Open Records Requests**

All open records requests received by DHS must be received by the Open Records Officer and logged by the Office of General Counsel (OGC). Therefore, the primary step when receiving an open records request is to notify the Open Records Officer of the receipt of the request. This notice should be made to the Open Records Officer, Philbie Mathew ([OpenRecordsDHS@dhs.ga.gov](mailto:OpenRecordsDHS@dhs.ga.gov)) and the OGC Confidential Secretary, Samantha Lemons-Debro ([Samantha.Lemons-Debro@dhs.ga.gov](mailto:Samantha.Lemons-Debro@dhs.ga.gov)).

If an open records request is received by an individual other than the Open Records Officer, the requester must be promptly notified that the request must be sent to the Open Records Officer. The 3-business-day time period for response to a written request shall not begin to run until the request is made in writing to the Open Records Officer after the requestor has been informed as such. When receiving requests for records, please use the following disclosure:

The Department of Human Services will work diligently in fulfilling your request for documents in accordance with the Open Records Act. As authorized by O.C.G.A. § 50-18-71(b)(2), the Department has designated an Open Records Officer. Official requests for records under the Open Records Act must be made directly to the Open Records Officer, Philbie Mathew. Formal open records requests must be made directly to the Open Records Officer in accordance with the procedure available at <https://dhs.georgia.gov/organization/about/division-offices/office-general-counsel>. If you submit a formal open records request, DHS may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records in response to an open records request at an amount permitted by O.C.G.A. § 50-18-71.

Copies of open records requests should be submitted via the Open Records Portal at [clarityvalue.app/dhsorr/](http://clarityvalue.app/dhsorr/) or emailed to [OpenRecordsDHS@dhs.ga.gov](mailto:OpenRecordsDHS@dhs.ga.gov). Requests may be mailed to the Open Records Officer at:

Office of General Counsel  
47 Trinity Avenue SW  
Atlanta, Georgia 30334

### **C.3. Procedures for Processing Open Records Requests**

#### *C.3.a. General DHS Open Records Requests*

General requests made pursuant to the Open Records Act involving records maintained by DHS will be processed by OGC and be handled by the Open Records Officer and the appropriate Deputy or Associate General Counsel.

#### *C.3.b. Requests for Records of Members of the Senior Leadership Team*

Upon the receipt of an open records request for records of a member of the Senior Leadership Team, the appropriate member of the Senior Leadership Team, their deputy, or their administrative assistant will be notified of the request. Where responsive records exist, such individual will be asked to respond to the Open Records Officer. Timely response to the Open Records Officer should be made within 24 hours of the request.

#### *C.3.c. Open Records Requests Involving the Division of Family and Children Services (DFCS)*

Requests involving DFCS should be sent to the Open Records Officer and will be handled by the DFCS Associate General Counsel designated by the DFCS Office of General Counsel to handle DFCS-related open records requests and/or his or her designated alternate as appropriate. Where an open records request simultaneously pertains to records of DFCS and other DHS divisions or offices, the Open Records Officer and the DFCS Associate General Counsel designated to handle DFCS-related open records requests will coordinate to determine how best to provide a response to the requester.

#### *C.3.d. Open Records Requests from Media Organizations*

Open records requests, from the media, except for solely DFCS-related open records requests, will be handled by the Open Records Officer, with notice also being given to the Director of Communications, Kylie Winton ([Kylie.winton@dhs.ga.gov](mailto:Kylie.winton@dhs.ga.gov)) and/or their designated alternates as appropriate. DFCS-related open records requests from media organizations will be handled in accordance with the above subpart entitled "Requests Involving the Division of Family and Children Services (DFCS)."

#### *C.3.e. Open Records Requests from State Legislators*

Open records requests from the state legislators will be handled by the Open Records Officer, with notice also being given to the Director of Governmental Affairs, Emma McCullough ([emma.mccullough1@dhs.ga.gov](mailto:emma.mccullough1@dhs.ga.gov)).

### *C.3.f. Case Record Requests Submitted to the Divisions or Administrative Support Offices*

Requests submitted to the divisions or administrative support offices involving a client's personal case records are to generally be handled within the relevant division or administrative office in accordance with the policy of the division or administrative office. Requests of this type will not be considered open records requests.

Please note, there are unique circumstances in which some requesters will insist that a standard client case record request should be processed as a request under the Open Records Act. In such unique circumstances:

- Promptly notify Open Records Officer ([OpenRecordsDHS@dhs.ga.gov](mailto:OpenRecordsDHS@dhs.ga.gov)).
- Advise the requester of the options available to them under the applicable division or administrative office policy.
- Advise the requester that formal open records requests must be submitted directly to the Open Records Officer.
- The following standard response may be helpful:

The Department of Human Services (DHS) will work diligently in fulfilling your request for documents. This request will be processed as a case record request in accordance with applicable DHS policy, not as an open records request.

If you did not seek to submit a case record request and would prefer to submit a request for records under the Open Records Act, a formal request for records under the Open Records Act must be made directly to the Open Records Officer in accordance with the procedure available at <https://dhs.georgia.gov/organization/about/division-offices/office-general-counsel>. If you submit a formal open records request, DHS will impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records in response to an open records request at an amount permitted by O.C.G.A. § 50-18-71.

### *C.3.g. Oral Open Record Request*

Any verbal Open Record Request made to a DHS Employee should be forwarded to the Open Records Officer at [OpenRecordsDHS@dhs.ga.gov](mailto:OpenRecordsDHS@dhs.ga.gov). Please confirm one (1) form of contact information from the requester, so Open Records may process the request. Alternatively, if possible, DHS Employees should assist the requester in submitting the Open Records Request via the DHS portal at [clarityvalue.app/dhsorr/](http://clarityvalue.app/dhsorr/).

## **C.4. Fees**

The ORA allows an agency to impose a reasonable charge for the search, retrieval, redaction, and production or copying costs to produce records pursuant to this article. When returning responsive documents, please list the amount of time required for retrieving and preparing the responsive documents, the prorated hourly salary of the

lowest paid full-time employee who has the necessary skill and training to perform the request, and the page count of the responsive documents.

*C.4.a. Fee: Staff Time*

The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

*C.4.b. Fee: Page Count*

In addition to a charge for the search, retrieval, or redaction of records, DHS may charge a fee for the copying of records or data, not to exceed \$0.10 per page for letter or legal size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, DHS may also charge the actual cost of the media on which the records or data are produced.

*C.4.c. Failure to Pay Fee: Collection*

Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to the ORA, and DHS has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, DHS is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by DHS.

*C.4.d. Failure to Pay Fee: Requiring Prepayment*

Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully incurred, DHS may require prepayment for compliance with all future requests for production of records from that person until the costs for the prior production of records have been paid or the dispute regarding payment resolved.

**D. Responsibilities**

OGC, subject to the direction and control of the Commissioner and the DHS General Counsel, is responsible for administering PROC120.