

Georgia Open Records Act

City of Atlanta

New Employee Orientation

The Basics

Presumption that **all** records are public.

Each department is the custodian of its own records.

Requires that records be made available upon request unless subject to a specific exemption.

Requires a **substantive** response within 3 business days.

Permits withholding of limited and specific categories of information where nondisclosure is in the public interest.

Civil and criminal penalties for non-compliance.

What Is a Public Record?

All records that are “prepared and maintained or received” by a public agency.

Even if the records are stored offsite or by a private entity like Iron Mountain.

Every medium in which information is stored and can be reproduced.

Includes emails, text messages, and social media posts related to City business whether on a City or personal device.

Draft documents ARE a public record.

Emails and Text Messages

All emails and texts related to City business are public records subject to production, even on a home computer or personal device.

All personal emails and texts on a City computer or other device are public records subject to production.

“City business” can be anything related to your City position or responsibilities.

City of Atlanta Open Records Compliance Policy

Effective October 1, 2019.

Applies to all employees and elected officials.

Creates standard operating procedures for compliance with the law.

Use of private emails to conduct City business is **strongly discouraged**.

Use of private cell phones, messaging apps, computers to conduct City business is **not preferred**.

Employees assume the risk of retaining records and complying with the law to provide access to records on personal devices.

Disciplinary action up to and including termination for non-compliance with the policy.

Legal Penalties for Non-Compliance with the Open Records Act

Deletion or destruction of public records, or refusal to provide them upon request, may be referred to the appropriate authorities for civil enforcement or criminal prosecution.

Failure or refusal to provide access to public records or intentionally making them difficult to obtain in violation of the Open Records Act is a **misdemeanor criminal violation**.

Criminal penalties can be assessed for knowingly and willfully violating the Open Records Act.

Civil penalties can be assessed for negligently violating the Open Records Act.

Up to **\$1,000** fine for a first violation, up to **\$2,500** fine for each subsequent violation.

Reporting Violations (Open Records Act or City Compliance Policy)

Telephone: 1-800-844-0911 (Integrity Hotline)

Email: ChiefTransparencyOfficer@atlantaga.gov

Employees are encouraged to report any alleged violation of the law or the policy.

Employees are required to cooperate with investigations into alleged violations of the law or the policy.