



Procedure 160-02 Public Records Request

Sponsor: Office of the President

Purpose

This policy ensures the public's right to know and have access to public records as provided by law, while also protecting privacy interests including the Federal Educational Rights and Privacy Act (FERPA). In accordance with law, public records of the College will be open for inspection or copying during normal business hours Monday through Friday as more fully set forth herein.

Definitions

Best Interests: Disclosure may not be required if release of the record is not in the best interest of the College which may include a release would inhibit public safety efforts or place the College at a competitive disadvantage.

Commercial Purpose: ARS §39-121.03D—Commercial purpose includes any use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records to another for the purpose of solicitation or for any purpose where the purchaser can reasonably anticipate the receipt of monetary gain from direct or indirect use of the record.

Custodian of Records: The custodian of records is the staff member in each department who maintains the records. However, Public Records Requests shall be made to the Assistant to the President at president@coconino.edu.

Directory Information: Directory Information is information such as name, date and place of birth, participation in activities or sports, and dates of attendance. Directory information is generally considered information that is not harmful nor an invasion of privacy and will normally be disclosed unless there have been appropriate restrictions placed on such disclosure by the student/party who is the subject of disclosure.

Exempt Records: Records not subject to disclosure include: documents protected by attorney/client privilege; documents related to pending negotiations; student information other than federally-defined "directory information;" documents whose release invade personal privacy; employee personnel information, except name, title and salary; works in progress; anything that the release of which would be detrimental to the best interests of the State; anything that would require the creation of a document not already in existence; confidential business information, including trade secrets and unpublished research results; medical records; other matters whose disclosure is restricted by law. All or a portion of documents deemed confidential pursuant to statute, or confidential based on the best interest of the College, or which contains a legitimate privacy interest will not be disclosed.

Notary: An Arizona notary public is a public officer commissioned by the Secretary of State to perform notarial acts. A Notary is an impartial witness (A.R.S. §41-328(B)). An impartial witness must have no conflict of interest.

Public Records: Public Records are documents or information that are not considered confidential and generally pertain to the conduct of government. A.R.S. § 39-121.01(b) requires all officers in public bodies to maintain records, including records defined in A.R.S. § 41-151.18 that are reasonably necessary to provide an accurate accounting of official activities and government funded activities. This includes all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government . . . "

Procedure

Requests for access to records and/or copying of public records shall be directed to the Assistant to the President at president@coconino.edu who will forward requests to the appropriate custodian of records. Please use the attached Public Records Request Form when submitting a request.

All persons requesting inspection and/or copying of public records must provide a verified statement on whether the public records requested are for commercial purpose or for non-commercial purposes. If the records are requested for commercial use, a verified statement setting forth the commercial purpose for which the materials will be used must be provided. Upon being furnished the statement of commercial use, the College may, within a reasonable time, furnish access or copies of records/documents allowable under law.

A requestor of non-commercial public records may be permitted access or copies of the records/documents allowable under law, within a reasonable period of time as allowable under law.

If access/copying will not be allowed or there is a delay in the records/documents being produced, the College will notify requestor of the reasons the records/documents will not be provided and/or notify of the reasons for delay.

Requirements of access and inspection or copying of records/documents apply only to existing records and do not require the creation of new documents. Additionally, records need not be provided electronically or pursuant to any requested format. Public inspection or copying may be denied if the record is made confidential by statute, involves a privacy interest of the person or discloses information that may be detrimental to the best interest of the College. If the requested record contains material that is not subject to disclosure, the College shall redact such materials and make available to the requestor the records that are subject to disclosure as provided by law. Copying charges shall be assessed and paid in full by requestor prior to copies being provided. The copying fee assessment depends on whether the request is for a commercial purpose or for a non-commercial purpose as more fully set forth below.

Public Records Request

A. The process for a public records request begins with the submission of the Public Record Request. See Attached Public Records Form. It is recommended that this form be filled out to commence the public records request. The requestor shall:

1. Provide all pertinent personal information of requestor,
2. Specify the records or documents requested, with specificity,

3. Verify that the information is not otherwise available on the College's website,
 4. Acknowledge that copying charges will be assessed and paid prior to receiving any copies,
 5. Verify whether request is for commercial purposes and if for commercial purposes, identify the nature of the commercial purposes,
 6. Where applicable, provide payment information for copying charges,
 7. Identify if the request is for inspection of the records/documents or is requesting copying of the records/documents.
- B. The completion and submission of a Public Record Request is not a guarantee the document can or will be supplied by the College. (See Above) Please file your request for public records with the Assistant to the President during normal business hours from Monday through Friday at 8 am to 5 pm or Monday through Thursday from 7 am to 6 pm during Summer Hours.
- C. The Assistant to the President shall provide an acknowledgment of receipt of request which shall be sent to the requestor no later than ten (10) business days from the College's receipt of the public records request. Unless the College notifies the requestor otherwise, the documents will either be made available for inspection or copies provided within a reasonable time from the date of the request. Obviously, a large volume of documents and/or the greater complexity in the nature or type of documents may require additional time. The request for records will be sent to the custodian of records for each department who will provide the records for inspection or copies of the records to the Assistant to the President, who will respond and make arrangements for inspection and/or copying of said records and furnishing said records to the requestor. All copying charges or expenses associated as set forth below, will be assessed and must be paid to the College prior to any copying of records and providing said copies to the requestor.

Fees

- A. ARS §39-121 states the requestor is subject to fees to cover the costs of making copies. Fees will be collected prior to the release of materials. The fees will be based on the following:
1. Non-Commercial Requests
 - Public records viewed at the College occur no cost to requestor. As stated, requests should be made for appointments to view said records with the Assistant to the President.
 - Paper copies are \$0.25 per page. The fax charge for fax delivery of said copies is \$1.00 per page. Mailed documents are subject to the postage fee.
 - The Assistant to the President in consultation with the custodian of records, shall provide notification of copying fees assessment and shall make arrangements with requestor for payment prior to copies being provided.
 2. Commercial Purpose
 - The charge for such records shall include the cost for the College to obtain the original or copies of the documents, print outs or photos requested.
 - A reasonable fee for the cost of time, materials, equipment, and personnel in producing such reproductions.
 - The Assistant to the President shall provide notification of commercial copying assessment and shall make arrangements with requestor for payment prior to copies being provided.

Student Records Requests

Please refer to Policy 502-00 and Procedure 502-01 Student Records for records requests that include student records.

References

A.R.S. §39-121

A.R.S. §41-151

A.R.S. §341-328

Family Educational and Privacy Act (FERPA)

Policy 502-00 and Procedure 502-01 Student Records

Procedure History

11/20/2020 New and approved by Executive Leadership Council

Legal Review

October 2020

COCONINO COMMUNITY COLLEGE
Public Record Request Form

Contact Information

Name: _____ Date: _____

Mailing Address: _____

Phone: (____) _____ FAX: (____) _____ Email Address: _____

Public Record(s) Requested: [Click or tap here to enter text.](#)

Total Number of Pages: [Click or tap here to enter text.](#)

Please check one of the following:

- I want to view the public record(s) at Coconino Community College at no cost.
- I want to purchase copies of the public record(s). Copied documents may be picked up or mailed upon receipt of payment.
Paper copies are \$0.25 per page. The fax charge is \$1.00 per page. Mailed documents are subject to postage fees.
Commercial use fee shall be assessed a value as set forth in policy.

Indicate whether you are using the public record for a commercial or non-commercial purpose. Commercial*

Non Commercial

Commercial Purpose

**ARS §39-121.03D—Commercial purpose includes any use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records to another for the purpose of solicitation or for any purpose where the purchaser can reasonably anticipate the receipt of monetary gain from direct or indirect use of the record. When a person requests copies of public records for commercial purposes, a statement setting forth the commercial purpose for which the copies will be used must be provided.*

Commercial Purpose Statement

Notary verification is required only for commercial purposes.

Sworn (or affirmed) to before me this ___ day of _____ 20__.

Notary's Signature

My commission expires: _____

Payment—Make checks payable to CCC. Information release is subject to check clearance.

Method of Payment: Check # _____ Money Order Cash **Total Amount \$** _____

For CCC Use Only Approved Not Approved Paid \$ _____ on ____/____/____

Please Note: Active public records are in various locations within the District. The District requests that a reasonable amount of time be expected for responding to any request to copy or inspect records. The District may require additional time to process more difficult requests and if so, an estimated time frame will be provided to the requestor.

Custodian of Record Signature