MOUNT PLEASANT

EST. 1859

NORTH CAROLINA

PUBLIC RECORDS POLICY

Purpose

The purpose of this policy is to establish a consistent and lawful process for responding to requests for public records in accordance with Chapter 132 of the North Carolina General Statutes.

Coverage

This policy shall remain in effect until amended or rescinded by the Town Board.

PUBLIC RECORDS

1. **Public Records Defined**

   Pursuant to Chapter 132 of the North Carolina General Statutes, the Town of Mount Pleasant shall make available for public inspection and copying all records in its custody that are defined as public records by law and not subject to an exemption under the law.

   N.C.G.S. §132-1(a) defines public records as all documents, papers, letters, maps, books, photographs, films, sound recordings, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina or its subdivisions.

   In accordance with N.C.G.S. §132-6.2(e), the Town is not required to create or compile a record that does not exist in order to satisfy a request. The Town is also not required to answer questions, conduct legal research, or analyze data in response to a public records request.

2. **Records Exempt from Disclosure**

   All records maintained by the Town are public unless exempt from disclosure under North Carolina law. If access to a requested record is denied, the Town shall identify the applicable legal authority supporting the denial when practicable.

Examples of records exempt from disclosure include, but are not limited to:

a) Confidential attorney-client communications as provided by N.C.G.S. §132-1.1.
b) Criminal investigation and criminal intelligence records as provided by N.C.G.S. §132-1.4.
c) Sensitive public security information and technology security information protected under N.C.G.S. §132-1.7.
d) Certain records involving minors as protected by applicable state law.

e) Personnel records made confidential by N.C.G.S. §160A-168, except information designated by statute as public.
f) Confidential tax information protected by law.
g) Social security numbers and personal identifying information protected under state and federal law.
h) Trade secrets and electronic payment account numbers protected under N.C.G.S. §132-1.2.
i) Engineering, architectural, survey, utility, security, or infrastructure records to the extent protected by N.C.G.S. § 132-1.7 or other applicable law.
j) Trial preparation materials and certain litigation-related records protected under N.C.G.S. §132-1.9.
k) Information temporarily withheld to protect witnesses or ongoing investigations as authorized by law.
l) Certain economic development records temporarily protected from disclosure under applicable statutes.

The foregoing examples are illustrative and not exhaustive. The Town shall withhold or redact records only as authorized or required by law.

3. **Redaction of Confidential Information**
   A request shall not be denied solely because confidential information is commingled with nonconfidential public information. When required, the Town shall redact or separate confidential information and make the non-confidential portions available as required by law.

HOW TO MAKE A PUBLIC RECORDS REQUEST

Requests may be submitted electronically, by mail, in person, or by completing the Town's Public Records Request Form. Use of the form is encouraged to assist the Town in accurately processing requests.

A requestor is not required to use the Town's form, identify a purpose or motive for the request, or provide optional contact information. However, providing contact information may assist the Town in seeking clarification, providing cost estimates, and notifying the requester when records are available

Requests should reasonably identify the records being requested so Town staff may locate the records.

Public records requests should be directed to the Town Clerk.

RESPONSE TO PUBLIC RECORDS REQUESTS

The Town shall respond to public records requests as promptly as possible, considering the nature and scope of the request, the volume of records requested, the need for legal review or redaction, the manner in which records are maintained, available staffing, and other operational responsibilities.

A response may include acknowledgment of the request, a request for clarification, an estimated timeline for production, or production of the requested records.

Depending upon the nature of the request, the Town may:

1. Produce the requested records for inspection or copying;
2. Acknowledge receipt of the request and provide an estimated time for response;
3. Request clarification regarding the records being sought;
4. Provide an estimate of applicable reproduction or special service costs authorized by law;
5. Request a deposit for estimated allowable costs associated with extensive requests; or
6. Deny the request in whole or in part based upon applicable legal authority.

REQUESTS FOR INSPECTION

Records shall be made available for inspection during normal business hours at a reasonable time and location designated by the Town.

The Town may supervise inspection of records to preserve the integrity and security of original records.

If a requestor does not schedule or complete an inspection within fourteen (14) calendar days after notification that records are available, the request may be considered closed, and the records returned to their originating department.

Inspection or production of records shall be conducted in a manner that does not unreasonably interfere with the regular operations of the Town.

FEES

The Town may charge fees as authorized by North Carolina law for the actual cost of reproducing public records. If records are requested in a specialized format or medium not routinely maintained by the Town, the requester may be charged the actual cost incurred by the Town.

Unless otherwise established by the Town Board, the following fees shall apply:

- Paper copies: $0.10 per page
- Electronic records by email: No charge unless a special service charge is authorized by law
- CDs, thumb drives, or other storage devices: Actual cost of device/media
- Postage or delivery: Actual cost
- Transcriptions: Actual transcription cost
- Special service charges: As authorized by N.C.G.S. § 132-6.2(b)

Fees shall be paid prior to release of records unless otherwise approved by the Town.

EXTENSIVE OR SPECIAL SERVICE REQUESTS

In accordance with N.C.G.S. §132-6.2(b), the Town may assess a reasonable special service charge for requests that require extensive use of information technology resources or extensive clerical or supervisory assistance.

Any such charge shall be based upon the actual costs reasonably incurred by the Town in responding to the request and shall be determined on a case-by-case basis.

Prior to incurring such costs, the Town shall provide the requestor with an estimate of the anticipated charges. The requestor may revise the request to reduce costs or proceed with the request as submitted.

For requests involving estimated allowable costs, the Town may require advance payment or a deposit to the extent permitted by law and after providing the requestor with an estimate of the anticipated charges.

If a requester believes a fee charged by the Town is unreasonable, the requestor may seek mediation or other remedies authorized under North Carolina law.

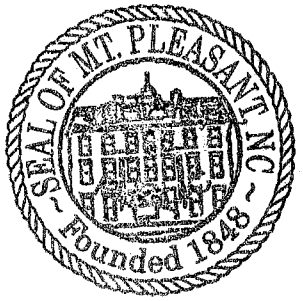
Reservation of Rights

Nothing in this policy shall be construed to expand or limit rights of access to public records beyond those provided by applicable law. In the event of a conflict between this policy and North Carolina law, North Carolina law shall control.

Adopted this 11th day of August 2026

Tony Lapish, Mayor

Amy Schueneman, Town Clerk



Town of Mount Pleasant

PUBLIC RECORDS REQUEST FORM

Pursuant to North Carolina General Statute (NCGS) Chapter 132, the Town of Mount Pleasant makes available to the public all records in its custody and control that are defined as "public records" under NCGS §132-1. Persons making the request must provide the following information, and the Town Hall staff will gather and provide copies of the information requested. Please provide sufficient information to describe the public record(s) you desire.

Requests are handled in the order received. Records will be available as promptly as reasonably possible. Requests requiring legal review may necessitate additional time. The Town requires payment (hard copies, thumb drives, and/or extensive staff time) in accordance with the adopted Public Records Policy and the signature of the requester prior to releasing documents.

Name (or other manner of identification):_____

Contact information _____

Date of Request: _____

Specific Public Records Requested: _____

_____

_____

_____

_____

Total Copies Provided: _____ Amount Due: _____

Payment Received: _____

Signature of Requesting Party (to be signed upon receipt of requested documents):

_____

Date Request Fulfilled:_____

STAFF INFORMATION:

Completed by: _____

Date Completed: _____