

Town of Berlin, ALABAMA

PUBLIC RECORDS REQUEST POLICY EFFECTIVE MAY 16, 2022

Policy Brief and Purpose:

The Town of Berlin supports open and transparent government. Public records such as Resolutions, Ordinances, Minutes, Bid Awards, etc. for the Town of Berlin can be found on the Town of Berlin webpage at www.berlinal.gov.

It is the policy of the Town of Berlin to provide copies of public documents upon request in an expedient manner. Public records are available for public inspection and copying on a reasonable basis, subject to the policies established herein. Such requests, particularly those involving a large volume of information, will be managed on a time available basis. The Records Custodian for the Town of Berlin shall be the Town Clerk.

1. The Custodian shall make all determinations with the consult of Town legal counsel on whether requested information may be released. The Custodian shall make public information available for inspection and copying while protecting public records from alteration, mutilation, loss or unlawful removal.
2. The person seeking to review or receive copies of public records must show that he or she has a direct, legitimate interest in the documents sought. The town is entitled to require verifiable information as to the identity of the person requesting the records, as well as that of the person receiving such information.
3. Request for public information shall be made in writing on the Public Records Request Form. These forms may be obtained from the Town Clerk's office during business hours or downloaded from the link on the Town of Berlin web page at www.berlinal.gov.
4. No more than three (3) qualifying documents may be requested at one time.
5. The Request for Public Records form will be forwarded to the Records Custodian for review and approval or disapproval. If disapproved, the applicant will be provided the reason for such. Appeals regarding a determination may be made to the Town Council and the Town's legal counsel.
6. If access to review is granted, the Records Custodian will make an appointment with the applicant to review the records in Town Hall. No records will be taken from Town Hall under any circumstances. The Records Custodian will be present with the applicant during the review of the records to ensure no damage occurs and no records are removed.
7. The Records Custodian will make copies of records.
8. The Town is entitled to recover the costs of providing requested information. A Research Fee will be charged. If the applicant requests the records be mailed or faxed, additional charges will apply. An itemized bill will be given to the applicant with payment due prior to release of the records.

9. As provided by the law in The Code of Alabama, 1975, Section 36-12-41, the following rate schedule shall apply:

- A fee of \$1.00 per page if transmitted by electronic means.
- A fee of \$1.00 per page for black and white copies.
- A fee of \$2.00 per page for color copies.
- For documents, audio and video recordings, etc. provided on electronic media (CD, DVD, Flash Drive, etc.), the cost shall be \$15 per media unit.
- Public Records Requests entailing research shall assess a \$30 per hour fee or a \$7.50 per quarter hour incremental fee. All fees must be paid in advance.
- An additional fee of \$.50 per page will apply if the applicant requests the records be mailed or faxed.
- Cost for requests that require minimal time and resources may be waived by the Town Clerk.

Requests to view or obtain copies of records that are not specific in nature and/or require compilation of data: Response to requests of this nature may require additional time, since research may be necessary to locate the records, review their status, or determine the complexity of the request. Charges for time may be necessary for records that are bound, require removal of staples, etc., or redaction to maintain the confidential status of portions of the material. The feasibility of providing access to records that are not of a standard size or format or are voluminous in nature must be determined.

Calculation of costs; Payments: No charges will be assessed for research that is necessary to evaluate and determine feasibility of the request. Applicant will be given an estimate of the time and cost involved in providing the requested records or information. Applicant will be required to pay the estimated amount before the actual work or research is performed. The actual cost will be determined upon completion, and adjustments to the payment will be made if necessary.

ADOPTED and APPROVED this the ____ day of _____ 2022.

Mayor Patrick Bates

CLERK'S CERTIFICATE

I certify that the foregoing Resolution consisting of this, and the preceding typed page constitutes a true, correct, and exact copy of the Public Request Policy which was duly passed and adopted by the Town Council of the Town of Berlin, Alabama in a regular called meeting held on the ____ day of _____, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Berlin, Alabama on this the ____ day of _____, 2022.

Keirstyn Montgomery
Town Clerk/Treasurer