Public Records Computer-based Training - Part 4

Welcome

Welcome to the Department's Public Records Computer Based Training, part 4.

One challenging in-person request is a request to see travel authorization forms and employee reimbursement forms. If you find yourself in the position of being asked to see or copy such records, the first response should be "yes I believe you can see (or copy) those records."

If you have any concern that the records requested may contain confidential information (like a bank account or credit card number or a social security number), politely tell the requestor that you are getting someone to help and immediately call the legal office for assistance.

If a requestor asks you why you need help, politely tell them you need to be sure that there is no confidential information included in the record before allowing it to be inspected or copied and thank them for their patience.

This training is intended to raise your awareness of how to handle requests for public records. Each experience you have receiving and responding to a public records request will further increase your knowledge and awareness and will better prepare you for handling the next request.

Let's go back over some things you can do to comply with the law – especially if you are not accustomed to handling public records requests. The first step is, of course, training. Training will help employees understand what the law requires and does not require.

The second step is get help when you are in doubt. If you still have questions about how to handle public records requests after this training, please discuss the matter with your supervisor.

Remember, every employee who receives a call, email, fax, or a visit from a person requesting public records has a responsibility to know what to do, what to say, what not to say, and how to say it. Here are some guidelines to follow in particular situations:

If you receive a phone call and you are unsure who handles requests for the type of records wanted. Explain to the caller that you are writing down the information and then read back what has been written to confirm the details of the request. If you write down the request, you must be sure to follow through by immediately giving it to the designated person in the unit or office responsible for handling the type of request you received – or personally handle it yourself if that is within your responsibility.

Remember to provide the requestor with contact information to check on the status of the request or ask if he or she would like to provide contact information.

If you receive a phone call and you know who handles the type of records requested. In this instance, you can transfer the call to the designated person in the appropriate unit or office responsible for handling public records requests. You must, however, take all steps necessary to ensure the caller is transferred to a person and is not sent to voicemail. Do not release the call if you reach voicemail. Return to the caller, write down the request, and read it back to verify you have properly written it down.

Then immediately give or send the information obtained to the person in the appropriate unit or office responsible for handling public records requests. Remember to provide the requestor with contact information to check on the status of the request or ask if he or she would like to provide contact information.

If someone comes to the office, take down all information, or call and ask someone in the appropriate unit or office to come to your area to speak to the person. If someone in the appropriate unit or office is not able to respond, write down the details of the request, confirm the information provided, and ensure the request is immediately given to someone in the unit or office responsible for the type of records requested, or personally handle it if the request applies to records in your unit or office.

Remember to provide the requestor with contact information to check on the status of the request or ask if he or she would like to provide contact information.

If you receive a fax or email, acknowledge receipt of the request and immediately give it to the designated person in the unit or office responsible for handling the type of request received – or personally handle it if that is within your responsibility. Alternatively, if you give the request to the appropriate person for handling, he or she can acknowledge receipt and follow through to complete the request.

In each of these scenarios, you must remember to acknowledge the request if you have been provided contact information. Every employee should become familiar with the various units and offices in the Department, understand each unit or office's responsibilities, and discuss with his or her supervisor how public records requests should be handled.

Every employee must be familiar with the law and the process for handling public records requests in his or her unit or office. Whether an employee receives one public records request a day or one a year, it is important for everyone to know the process for his or her position and his or her unit or office. In addition, managers must be diligent and proactive and remember to communicate with their employees on a regular basis to ensure they understand how to respond to people who request public records and the importance of everyone's role in the public records process.

Managers also need to be sure new employees are properly trained and understand the public records process for their unit or office. If you don't know the process for your unit or office, ask your supervisor.

Remember, upon initial contact, do not tell a requestor that a document is not a public record. There are very few records that are not public records. You should also be very careful about telling a requestor that information in a record is confidential or exempt.

Some offices routinely work with documents that contain exempt information that they know must be redacted before a record can be inspected or copied. For example, the Human Resources Office knows that employee social security numbers and certain employees' home address and contact information is confidential or exempt and must be redacted.

Generally, however, the determination that a document is not a public record or contains confidential or exempt information should be made by or verified by an attorney after thorough review of the request and the identified documents. Always remember, if you are dealing with a request and are not sure how to handle it, you can call the legal office for assistance.

Above all, employees should remember to be polite, even if a requestor isn't. At times requestors may be angry or frustrated over something that probably has nothing to do with you or their request for records. All too often, people feel that no one listens to them and erroneously conclude that neither they nor their request is important to anyone. Make every effort to assure requestors that their public records request is important and that you will do all you can to ensure their request is handled appropriately.

Once in a while a requestor may become angry, belligerent, or unreasonable. How would you handle such a situation?

Above all, you should remain polite and calm with all requestors, and explain that the Department will take all steps necessary to ensure the request is handled and responded to appropriately. Make every attempt to calm the requestor. If all else fails, and the requestor's temper escalates or the requestor uses inappropriate language, politely explain to him or her that such language is unacceptable and try to reassure the person that you are doing all you can to help. If a caller continues to use abusive language, you may tell them that you will end the call, but this is a last resort.

If an in-person requestor is using abusive language or behaves in a threatening manner, call for assistance. Be sure to talk to your supervisor about the conversation.

Another question that employees frequently ask is "what should I do when a requestor calls and wants to ask questions about the records that were provided?" Some records, such as spreadsheets, graphs, or technical reports, may not be understood easily just by looking at them. The law does not require employees to provide explanations or to have ongoing dialogue with a requestor about public records that were provided. However, the Department wants employees to be helpful.

When asked questions about records provided, employees who are familiar with the records should be polite and offer enough information to help the requestor understand what has been provided. Employees should be able to answer a few basic questions about the records or refer the requestor to someone who can explain them. However, if more than a minimal amount of time is spent answering questions or the requestor continues to call with more questions, you should talk to your supervisor or your legal office about how to respond.

What if the requestor asks: "How soon do you think you can get me these records?" There is no single answer to this question that fits all circumstances. An appropriate response could be: "I'm not sure we have any records like that, but I will write down your request and get it to the people who will know. They should be able to provide an estimate of how long the process may take."

One important point, if the requestor is an attorney and they are asking you questions about records, please contact the legal office before responding.

There is often tension between what the law requires and the personal expectations of people who ask for public records. So, what should you do when someone insists the records must be given to them NOW!? Again, the law does not generally require that documents be provided "right now", but employees should be careful how they explain this to requestors.

Remember, the law first requires a prompt acknowledgement and a response in a "reasonable time" and "reasonable" is not defined.

You have completed part 4. Thank you for your time and attention.