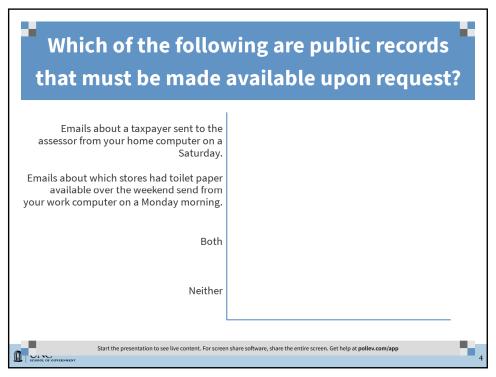




Two Very Different Public Records Questions

- 1. Do I have to **disclose** this record?
- 2. Can I **destroy** this record?

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Content is King

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5

What are public records?

 All documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material regardless of physical form or characteristics

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What are public records?

- made or received pursuant to law or ordinance in connection with the transaction of public business (ie., created while carrying out lawful duties)
- by any agency of N.C. government or its subdivisions

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7

Basic Policy: Open Access

 Public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people.







Basic Policy: Open Access

 It is the policy of the state that people may obtain copies of public records and public information free or at minimal cost unless otherwise specifically provided by law.



9

What tax information is NOT public?

(page 3)

- Local tax records showing <u>income or gross receipts</u>
- Inventory lists, asset & liability statements, etc.
 related to listing and appraisal of property
- <u>Social security</u> numbers and other "personal identifying information"
- Public enterprise customer billing information









Confidential and Non-Public Info

- Listing and Appraisal Supporting Info:
 - May not release
- Income/Gross Receipts:
 - May release after redaction
- Utility Billing Info:
 - May release after redaction
- Social Security Numbers or "PII":
 - Must release after redaction

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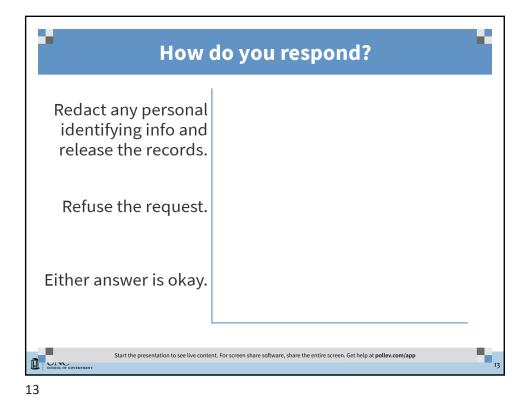
Non-Public Information

- Coach K visits your finance office and demands to see the most recent water and sewer bill for Coach Roy. He thinks Roy is getting an illegal discount.
- How may you respond?









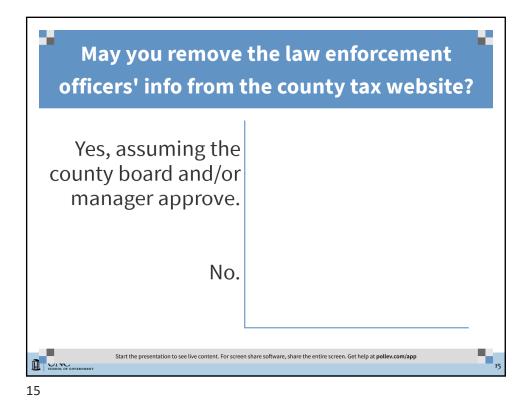


You receive an unpleasant call from a county commissioner who is furious that the county includes names and addresses of law enforcement officers on its tax website. She claims that this information is putting those officers at risk. The commissioner demands that you remove all such information from the tax website.









§ 153A-98.

Privacy of employee personnel records

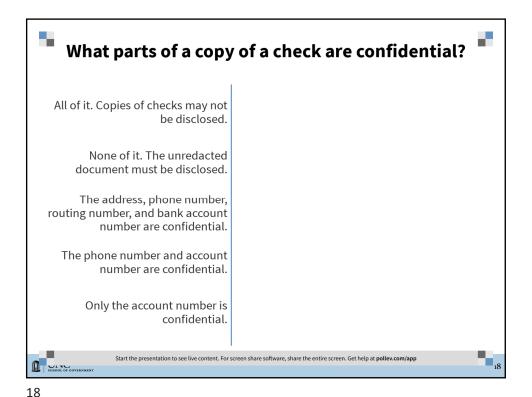
- (c4) Even if considered part of an employee's personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed to an employee or any other person . . .
- (1) Information that might identify the residence of a sworn law enforcement officer.







Copy of Taxpayer's Check: What is Confidential? New Account Owner 45 Money Street Atlanta, GA 55545 (111) 555-1234 6100 Date ___ Pay to the Order of Dollars Amount Signature |:123456711 |: 123451234543:| 6100 Routing Account Check Number Number Number UNC SCHOOL OF GO



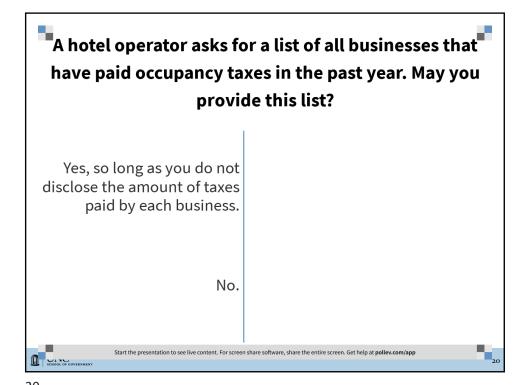




Occupancy Taxes

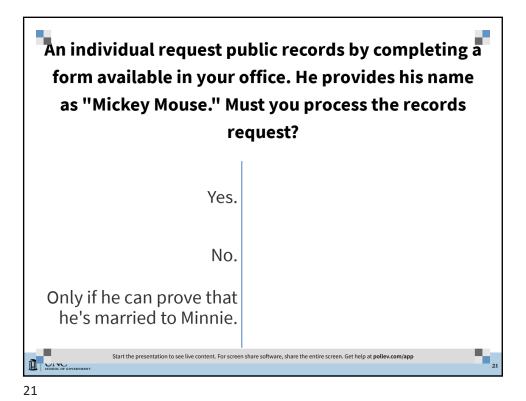
- § 160A-215. Uniform provisions for room occupancy taxes.
- (d) Administration. . . . A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

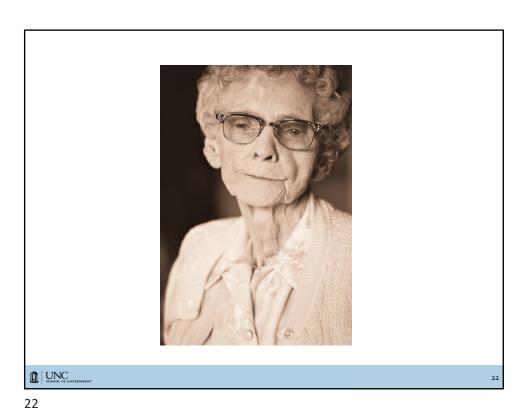














Geraldine has asked for copies of all property record cards from her block and from the block on which the county manager lives, which would total roughly 75 record cards. May you . . .

- Ask why she wants them?
- Require that she put her request in writing?
- Charge her for the time you'll spend at the copy machine?
- Tell her you'll get her the copies four weeks from now?
- Only provide the records via email?



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Geraldine is back. She thinks you were too grumpy while responding to her last request and is *very* upset. Now she wants to see the following—must you comply?

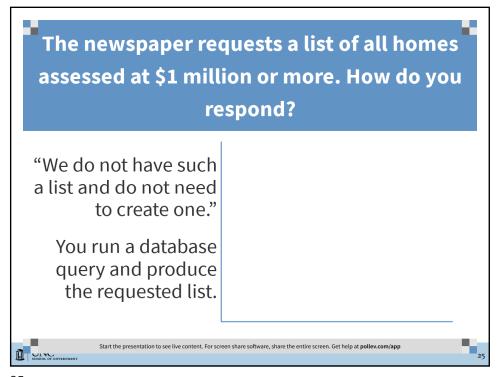
- Her neighbor's payment plan agreement that includes a SSN (she thinks that old coot is a cheater, too)
- The salaries for all employees in the collector's office (she thinks y'all are way overpaid)
- Property tax payment records for all registered Democrats (she is really mad that Hillary won her precinct)





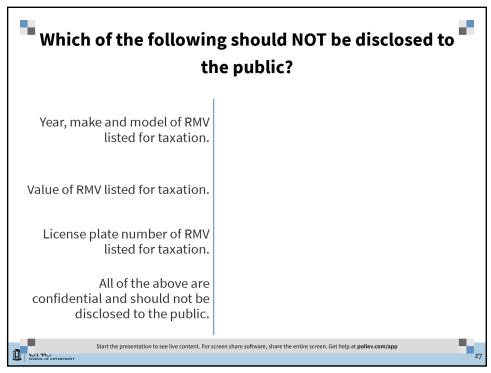






RMV Tax Records





The Skinny on Socials

- SS #'s obtained from taxpayers:
 - May be REQUIRED
 - May not disclose to general public
 - Must provide "Statement of Purpose"
 - May only use as indicated in statement
- SS #'s obtained from ANY other source:
 - May not disclose to general public
 - May use for any other lawful purpose
 - May share with other government agencies







May the tax collector . . .

- Include SSNs on the tax bills its sends to taxpayers?
- Disclose SSNs to a bank to attach an account?
- Disclose a business's federal EIN?
- Share SSN w/ another local gov. tax collector?
- Tell taxpayer that the collector obtained the taxpayer's SSN from Accurint?



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Two Very Different Public Records Questions

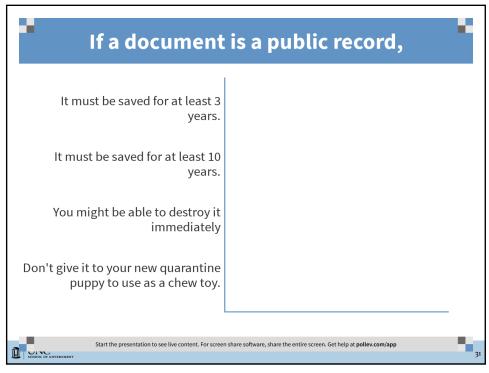
- 1. Do I have to **disclose** this record?
- 2. Can I **destroy** this record?











"When Can I Get Rid of This Junk?"

- The Division of Archives and History of the N.C. Department of Cultural Resources is charged with the responsibility of how and when public records may be destroyed.
- "Retention Schedules"
- https://archives.ncdcr.gov/government/retentionschedules/local-government-schedules







"When Can I Get Rid of This Junk?"

- Real Property Record Cards:
 - 10 years or 2 reval cycles, whichever comes first
- "Public Records With Short-Term Value":
 - drafts, fax cover sheets, etc.
 - destroy after reference value ends

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Your county is scheduled for a reval in 2021.

In October 2020, the board votes to postpone the reval until 2024. Are the assessments from the partially completed reval public records?

Yes

No

Yes, but the county could have destroyed them after the reval was postponed.





Frayda's Framework

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