

Sunshine Week 2021 Citizens' Guide to Open Records

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[“My name is Robin Kemp and I am from The Clayton Crescent. I am a reporter. I’m here to cover this open meeting under the Open Meetings Act of the State of Georgia and according to the First Amendment of the Constitution, right here.”](#)

This is a basic reference guide for everyday people who want to get information about what their elected officials are doing.

Journalists are defenders of the First Amendment and their job is to hold the powerful, especially elected and appointed government officials, accountable to the people for whom they work. That’s why we care so much about sunshine laws, which are laws that shine a light on what government is doing. The Clayton Crescent’s logo is a crescent moon because we represent a sliver of light in the darkness. A government that

operates in the dark is difficult to hold accountable to the voters. The point of sunshine laws is not to spread gossip or “make someone look bad.” The purpose of sunshine laws is to inform the public about what its government is doing in its name. It is completely up to the public to decide what to do with that information. Sunshine laws help the public hold elected and appointed officials to account for what they do and don’t do while in office.

Georgia’s Sunshine Laws are the **Open Records Act** and the **Open Meetings Act**. The Freedom of Information Act (FOIA) applies to federal agency requests (see <https://www.foia.gov/>). The FOIA process can take months or years. Local and county requests usually don’t take as long.

[OPEN RECORDS ACT](#)

[EXCEPTIONS TO ORA IN OTHER LAWS](#)

[OPEN MEETINGS ACT](#)

PROTESTING A VIOLATION OF THE OPEN MEETINGS ACT

The Georgia Sunshine Laws Handbook of the Georgia Press Association offers this advice:

“HOW TO PROTEST AN ILLEGAL MEETING: Closing a meeting to continue in executive session requires a majority vote of the quorum present. The names of those members voting to close and specific reasons for closure must be entered upon the official minutes, and those minutes must be made available to the public. If you believe that a governing board or agency is illegally closing a meeting, tell them so. State that the Open Meetings Law, Section 50-14-1 of the Georgia Code, requires that the meeting be open. Ask them to cite the exemption under which they are closing the meeting. If, despite your objection, the meeting is closed, then file a protest in writing or send a demand letter to the governing agency or board. Demand access to a transcript or minutes of the closed meeting and access to future meetings. State why the meeting was unlawful. **See O.C.G.A. 50-14-4.”**

You can read the **Red Book** online or download a PDF copy for free, courtesy of the **Georgia First Amendment Foundation**, at <https://gfaf.org/resources/the-red-book/>. You also can e-mail GFAF to order bulk printed copies at info@gfaf.org. The Red Book was created in cooperation with the Office of the Attorney General of Georgia, with generous financial support from the William S. Morris Chair in News Strategy and Management at the University of Georgia’s Grady College of Journalism and Mass Communication, the National Freedom of Information Coalition, Cox Media Group, and the Georgia Press Association.

GFAF also publishes the **Blue Book**, which explains how the Open Records Act applies to law enforcement agencies, and is available as a free PDF online at <https://gfaf.org/wp-content/uploads/2018/10/GFAF-BlueBook2014-Third-edition1.pdf> or as bulk print copies from info@gfaf.org. The Blue Book was created in cooperation with the Georgia Association of Chiefs of Police, the GBI, the Georgia Department of Law, the Georgia Department of Public Safety, the Georgia Press Association, the Georgia Public Safety Training Center, the Georgia Sheriff’s Association, and the Prosecuting Attorneys’ Council of Georgia.

There’s also the **Green Book**, which explains how the Open Records Act applies to public schools. Get a free PDF copy online at https://gfaf.org/wp-content/uploads/2018/10/GREEN_BOOK_FINAL.pdf. The Green Book was created in cooperation with the Georgia Department of Law, Georgia Parent Teacher Association, and the Georgia Press Association.

HOW TO MAKE AN OPEN RECORDS REQUEST

Before you file an Open Records request, take the time to do it right. Ask yourself:

- What am I trying to find out?
- Have I checked readily-available public records like minutes and agendas that might have what I’m looking for?
- What agency would have that information?
- Are there any specific forms the agency uses to collect or record that information?

- Who is the records custodian at the agency?
- How can I narrow down my request to be as specific as possible?
- Is there a specific date or range of dates that narrow down my request?
- Are the records still available under state records retention schedules?
- Have I asked to see the records already? (Sometimes just asking can get you the records. If not, then file an ORR--the agency is legally obligated to respond to your request, even if it has no records fitting your description (often called “responsive records” or “records responsive to your request”))

You might be directed to use a particular in-house form or follow certain procedures for submission. Each agency has its quirks. Examples:

The Clayton County Sheriff’s Office has two separate forms it will only accept by fax. One is for information about an inmate; the other is to request a mugshot. If you have more than one inmate to look up, you have to fill out each form twice. You can look up people who are currently being held but that information changes rapidly as people bond out and is not always accurate. For example, the same person may show two or more arresting agencies in the online lookup before he or she is released; you can’t rely 100% on what you see there and need to check with each arresting agency to confirm who arrested the person. You can cross-check the case number with Magistrate Court to see when someone is due in court or whether they already have appeared. If a person’s bond says “NOT READY,” that person is waiting for bond. If a person’s bond shows a dollar amount, he or she is ready to be bailed out. If the person’s name disappears from the 48-hour page, look at the 14-day page to see when he or she bonded out.

Some governments have Open Records Request portals through their municipal website contractor. [Clayton County](#) has one; so does [Forest Park](#). Some **Clayton County Police** records can be ordered through the county portal; others need to be requested directly from CCPD. These portals will give you a tracking number or other security code so you can log in and check the status of your request. Don’t lose these! Write them down and keep track of how long it takes to get a response.

The **State Attorney General’s** office has [a blank form on its website](#) that you can print out and fill in to make an Open Records Request to any agency. It also has [a list of frequently asked questions about open meetings and open records](#).

Similarly, the [Georgia First Amendment Foundation](#) offers two model ORR requests: one is for **general records requests** (for example, photocopies or seeing and copying the documents in person) or electronic (for example, PDFs) of open records. The other is for **records in electronic format** (for example, the actual data, like a spreadsheet with all the header fields), which can be tricky to use because the files may not transfer over neatly. Often, the data may need to be “cleaned,” meaning you have to look for mistakes and you have to know what kinds of mistakes to look for. Or, you may get just the data as code--not as a nice, neat spreadsheet--and have to figure out how to get it into usable form yourself.

Be aware that sometimes, you might get “locked” PDFs that you cannot search or PDFs of photocopies that “lock” the data so that you have to copy the information manually. Unlocked PDFs can be analyzed in seconds. Locked PDFs may take hours, days, or weeks to analyze. One example: I asked an agency for some arrest records. We went back and forth about them for a couple of months. Finally, they gave up the records (which they were legally obligated to do). They were photocopies of arrest record printouts that were in extremely small type. It took me a couple of weeks in my limited spare time to copy each and every piece of data into a spreadsheet. It took me a second to sort the data and a few minutes to analyze it. *Then* I could write the story and interview officials for their responses to the results.

If you ask for copies of public records, the law allows governments to charge you. To give you an idea, the **Georgia Department of Public Safety** has [a list of its ORR fees](#) online. Depending on the agency’s policy, your relationship with the people there, and the agency’s desire to suppress access to the records for as long as possible, you may be charged a significant amount of money. This is why it’s crucial to frame your request as narrowly as possible. Under state law, you do have the right to come in and scan the documents yourself with a portable scanner or photograph them. Some agencies will try to say they can’t accommodate that. They are required to by law. Another way governments make money off public records requests is by charging staff time. The premise is that pulling public records is a task that takes an employee away from his or her regular work. If part of the person’s job is to pull public records, such as a clerk or records custodian, challenge that fee. They are already getting paid. This is part of their job. The law *allows* for these charges but does not *require* them.

Say you are with a neighborhood association and your group decides to file an ORR with a local police agency, asking for all the addresses where cars have been broken into. Let’s imagine there have been 1,200 vehicle break-ins in the past five years, and that each of those incidents were reported to police, and that each of those reports generated three pages of documents. You’re looking at a request for 3,600 pages. If the agency gives you the first 10 pages for free and charges 25 cents a page for the other 1,199, that’s \$299.75 just for copies. The agency will add to that a fee based on the salary of the lowest-paid employee who pulls the files. That could be a clerk making \$25,000 a year or an attorney making \$150,000 a year. You see where this is going.

Your neighborhood association could handle this a couple of ways. Everyone could chip in to pay part of the cost, or you could dip into your limited treasury, or hold a Sunshine Law car wash fundraiser. A more efficient way would be to narrow down your request. Instead of all the break-ins in the past 5 years, could you limit it to the past year or two? How about to certain streets or certain times of day? Maybe you can narrow it down to all cars broken into between 4 a.m. and noon, or all cars broken into between North and South Avenues. That might put you in the realm of 10 or 20 or 100 pages--a lot less expensive.

Once you get your Open Records, what do you do with them? You could use the information you discovered to figure out how you want to respond. For example, you could distribute copies to members of your group, send copies to your local reporter(s), and/or have your

representative(s) ask to meet with the head of the agency in question. You also could use the records to put together a letter to the editor or to make a public comment at the agency's next open meeting. You could look up more information about what you've discovered, either online or with the help of a librarian. (Librarians are literally experts at looking up information. Ask them for help!)

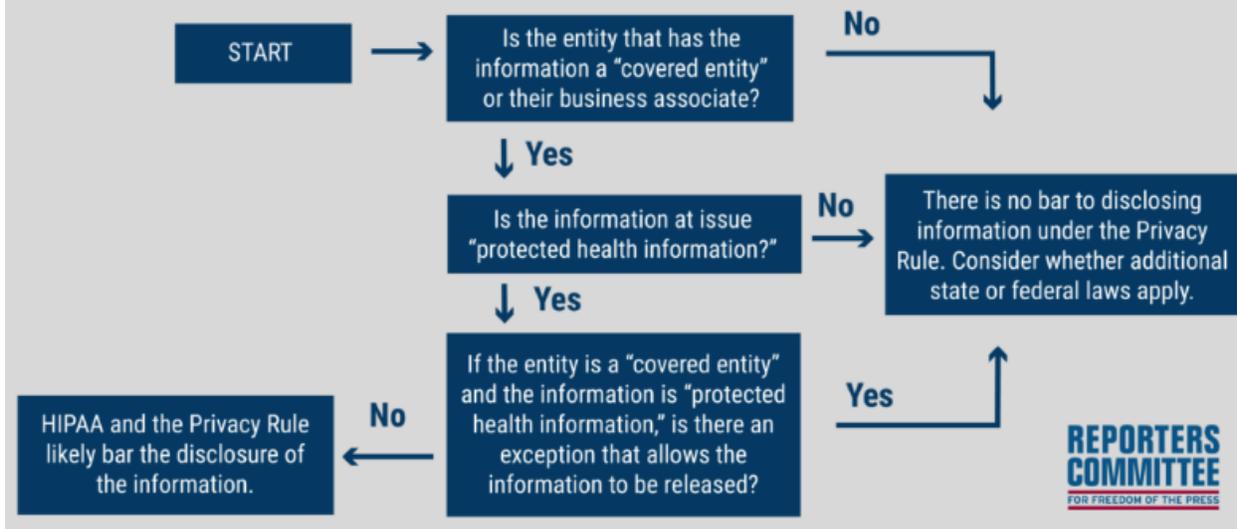
OLD NEWS

Or say you discovered a forgotten cemetery. You might want to ask the city or county for cemetery records. Because this project goes back in time, a librarian or archivist or historian might be able to help. Many public records like real estate deeds and sales transactions are stored with the **Clayton County Clerk of Court** at the new Courthouse. You also could check the **Georgia Archive** for information about churches in the area that might have owned the cemetery. If you're looking up names from the tombstones, the **Georgia Archive** offers free access to **Ancestry.com**, which has census records that could help you identify the people buried in the cemetery.

What is HIPAA?

Sometimes, people will point, incorrectly, to **HIPAA** as an excuse for not releasing information about hospitals, patients, public health, or emergency response. HIPAA does not mean "you cannot have any information about a person in the hospital or a person transported by ambulance." HIPAA applies to personally identifiable medical information. It does not apply to records subject to state open records laws. That means the government cannot keep secret data about the number of COVID-19 cases and patient counts by broad categories it tracks, like race/sex/city/county. The Reporters Committee for Freedom of the Press (rcfp.org) gives a detailed explanation at <https://www.rcfp.org/covid-19-journalists-hipaa-guide/>.

Journalists' guide to HIPAA during the COVID-19 health crisis



COURT RECORDS

You can look up court cases online in Clayton County. To see the actual case files, you have to go to the Clerk of Court's office. The problem is, since COVID-19, the process is a lot more complicated. Usually, you go to the office, look up the case number on a computer, write it down, hand it and your driver's license to a clerk, and they bring you the file and keep your driver's license until you bring the file back. Since COVID-19, you have to make an appointment days in advance, wait at a table in the lobby until a clerk comes to you, give the clerk your case number and a credit or debit card, and wait for the clerk to bring back your copies and your card.

FORMULATING YOUR ORR

1. Use one of the form letters or agency portals to submit your request. You do not need to use their form if you send [a standard boilerplate request such as GFAF offers](#). However, certain agencies may be married to their forms for certain things (e.g., CCSO mugshots/inmate sheets).
2. Be polite, even if the agency seems unhappy about your request. The more specific, limited, and professional your request, the greater the chances of it being fulfilled promptly and completely. Your correspondence could become part of a court case later.
3. Write down any reference numbers, passwords, security codes, dates, or other information you might need to keep track of your request, especially on government portals like JustFOIA. Keep a spreadsheet of your requests, relevant dates, codes, request numbers, etc. for later.
4. The records custodian has three (3) business days to *acknowledge* (not necessarily *fulfill*) your request. Sometimes your request will be filled right away. Other times, it will

be filled or answered at the close of business on the third day. Still other times, you will get just an acknowledgement on Day Three that the agency has received your request. The worst-case scenarios involve an evasive series of emails back and forth for months. Yes, this happens.

5. This is where lawyers come in handy. If your case is particularly egregious, a First Amendment attorney might consider taking it on. You may have to pay for the attorney's services or the attorney may decide to take your case pro bono.
6. Keep a copy of your ORR and any correspondence along with the actual documents in question.

WHERE TO GET PUBLIC RECORDS

- **Clayton County:** <https://bit.ly/2OFijOx> (GovQA portal)

The county put up this web portal several weeks ago. I've used it a few times. If you want anything from CCPD, CCSO, or CCFES, they may tell you to contact the agency directly. Some of these agencies use their own forms, and CCSO only accepts requests by fax using their forms:

- **CCPD:** Download and fill out their PDF form at <https://bit.ly/3eTtrBR> and e-mail a copy to ccpd.openrecords@claytoncountyga.gov
- **CCSO:** There are 2 separate forms for inmate sheets and mugshots. Fill out their form(s) and fax them to the number on the form. All Open Records Requests go through Philip Price, executive assistant to Sheriff Hill. Fax them to (678) 479-5358 or e-mail them to philip.price@claytoncountyga.gov.

You also can e-mail a standard ORR form letter to the Clayton County Clerk, Brenda James, at brenda.james@claytoncountyga.gov

- **Clayton County Public Schools:** <https://bit.ly/310dtOq> (PDF form)
- **Forest Park:** <https://bit.ly/3ly3bhD> (JustFOIA Portal)
- **Morrow:** Submit your request in writing to City Clerk Viet Tran (PDF form)
 - E-mail: viettran@cityofmorrow.com
 - Fax: 770-960-3002
 - Mail: Morrow City Hall, 1500 Morrow Road, Morrow, GA 30260
- **Riverdale:** <https://bit.ly/3lv6WVf> (JustFOIA portal)
- **Jonesboro:** All open records requests must go through the city manager, Ricky L. Clark, Jr., via "the city manager's official city-provided e-mail or fax number" by [ordinance](#). Jonesboro does not have a designated city clerk. rclark@jonesboroga.com, fax (770) 478-3775. Clark also vets all Jonesboro PD Open Records requests.
- **Lake City:** <https://bit.ly/3eZU7ku> (PDF form; send to City Clerk Eric Beckman at beckman_e@lakecityga.net or mail to 5455 Jonesboro Road, Lake City, GA 30260)
- **Lovejoy:** If you click on the Open Records Request form, you'll be prompted to create a CivicPlus account. Once you validate your login and sign in, you'll be greeted by a message about commitment to open government, then walked

through the process of filling out each line on the electronic form. For “historical information that is not available from the City Clerk’s Office,” call the Civic City Historical Society at (785) 587-1853, which is the same number listed as the city clerk’s office (may be a typo).

USEFUL LINKS FOR PUBLIC RECORDS

Georgia Archives Local Government Record Retention Schedule (how long different kinds of records must be held before they are destroyed or sent to State Archives)

https://www.georgiaarchives.org/records/local_government/

Georgia Campaign Reports Search (for candidates, including current officeholders, who have filed campaign finance reports. Many candidates file reports claiming they spent \$0 and some reports cannot be accessed online)

https://media.ethics.ga.gov/Search/Campaign/Campaign_ByName.aspx

Georgia Late and Non-filers by Name (look up candidates/elected officials who have not filed their reports/paid their fees)

https://media.ethics.ga.gov/search/Late/Late_ByName.aspx

Georgia Campaign Contributions Map (look up donors to state elected office, some courts, and district attorneys by county, office, or zip code from 2006-2012)

https://media.ethics.ga.gov/Search/maps/Map_Default.aspx

Georgia State Elections Board (for complaints filed about elections)

https://sos.ga.gov/index.php/elections/state_election_board

Georgia Qualified Candidate Information (for names of candidates qualified to run for office, including write-ins whose names are not on the ballot)

<https://elections.sos.ga.gov/GAElection/CandidateDetails>

Georgia Personal Financial Reports and Affidavits (elected officials’ statements about their personal finances)

https://media.ethics.ga.gov/search/Financial/Financial_ByName.aspx

Georgia Lobbyist Search by Name (look up registered lobbyists at the Gold Dome)

https://media.ethics.ga.gov/search/Lobbyist/Lobbyist_ByName.aspx

Georgia Personal License Verification (for professions in Georgia that require licenses, like contractors, massage therapists, counselors, etc.)

<http://verify.sos.ga.gov/verification/>

Georgia Corporations (business filings online--older ones are not online)

<https://ecorp.sos.ga.gov/BusinessSearch>

Georgia Environmental Protection Division

- How to make a file review request (in person): <https://bit.ly/3vFFzwr> (PDF form)
- How to hide records from the public! <https://bit.ly/3s6RGAn>
- Search Air Permits: <https://permitsearch.gaepd.org/>
- Search Land Permits:
<https://epd.georgia.gov/forms-permits/land-protection-branch-forms-permits>
- Search Water Permits:
<https://epd.georgia.gov/watershed-protection-branch-lists>
- Search Public EPD Complaints <https://cts.gaepd.org/Public>

Clayton County Court filings (civil *and* criminal--does not include images of most records--get those at the Clerk of Court in the basement of Harold Banke Justice Center. These are slowly coming online at terminals IN the clerk's office and you may have to show your ID to see paper case files.)

<https://www.claytoncountygga.gov/government/courts/court-case-inquiry>

Many counties are on Peachcourt. Create a free account. You will have to pay for copies. <https://peachcourt.com/>

Federal court case documents are on PACER. Create a free account. You will have to pay for searches. <https://pacer.uscourts.gov/>

Clayton County Inmate roster (use with caution, especially the 48-hour list!)

<https://www.claytoncountygga.gov/government/sheriff/inmate-search>

Clayton County Tax Assessor (current real estate records--older ones are in the basement of the Harold Banke Justice Center)

<https://publicaccess.claytoncountygga.gov/search/commonsearch.aspx?mode=realprop>

Georgia Assembly <https://www.legis.ga.gov/>

- Find Bills and Resolutions <https://www.legis.ga.gov/search>
- House Members (bios/contact) <https://www.legis.ga.gov/members/house>
- House Committees <https://www.legis.ga.gov/committees/house>
- Senate Members (bios/contact) <https://www.legis.ga.gov/members/senate>
- Senate Committees <https://www.legis.ga.gov/committees/senate>
- Legislative and Congressional Reapportionment Office (maps, etc.)
<https://www.legis.ga.gov/joint-office/reapportionment>

Congressional Record (latest from Congress)

<https://www.congress.gov/congressional-record>

Congressional Record Index (find out what your members of Congress said/how they voted)

<https://www.congress.gov/congressional-record/congressional-record-index>

FOIA FAQ <https://www.foia.gov/faq.html>

ASK A PROFESSIONAL/FIND OLD RECORDS

National Archives <https://www.archives.gov/>

Georgia Archives <https://www.georgiaarchives.org/>

(check their African American Resources at

https://www.georgiaarchives.org/research/african_american_resources)

Clayton County Library <https://claytonpl.org/>

Georgia Newspapers at UGA:

<https://guides.libs.uga.edu/c.php?g=349867&p=2362317>

Georgia Historic Newspapers (defunct newspapers):

<https://gahistoricnewspapers.galileo.usg.edu/>

Find A Grave <https://www.findagrave.com/>

(Be sure to check Franklin Garrett's Atlanta Necrology; hard copy at Georgia Archive; offline database at Atlanta History Center,

<http://garrett.atlantahistorycenter.com/about.html>)

New Georgia Encyclopedia <https://www.georgiaencyclopedia.org/>

MINUTES

Not all agencies post their minutes online in a timely fashion, although they are required to do so by law. Also, some online minutes may "disappear" when a new website goes up, such as Forest Park's. Here are some places you can find agendas, agenda packets, and minutes of upcoming or past meetings. Many include audio or video recordings, as well.

Clayton County Board of Commissioners

<https://bit.ly/3vFwWlx>

Clayton County Appointed Boards (your mileage may vary!)

<https://bit.ly/3lwVHeV>

Invest Clayton (Development Authority of Clayton County)

<https://www.investclayton.com/meetings-minutes.php>

(they give notice of special called meetings and regular meetings via homepage banner)

Forest Park (City Council and appointed boards)

<https://www.forestparkga.gov/meetings>

Morrow (City Council and appointed boards)

- Agendas <https://bit.ly/3c3plQg>
- Action Minutes <https://bit.ly/38Tvj9R>
- Meeting Minutes <https://bit.ly/3qZR51V>
- Work Sessions <https://bit.ly/2P8l0I6>
- CAFRs (annual detailed city financial report) <https://bit.ly/38X7myq>

Riverdale (City Council and appointed boards)

<https://www.riverdalega.gov/76/Agendas-Minutes>

Lake City

- Council Agendas <https://bit.ly/3eXQADk>
- Council Minutes <https://bit.ly/3c41aqG>

Jonesboro (City Council and appointed boards)

- Agendas and Minutes <https://bit.ly/3lxYXGM>

Conley (no municipal government)

Conley is a special case. Some of it is in Clayton County and some of it is in Dekalb County. To file an Open Records Request with a Dekalb County agency, submit a boilerplate request like GFAP's using these departmental e-mails:

<https://www.dekalbcountyga.gov/transparency-initiatives/open-records>

LEGAL ANNOUNCEMENTS

- Clayton News
<https://www.news-daily.com/classifieds/community/announcements/legal/>
- Atlanta Journal-Constitution <https://classifieds.ajc.com/ads/public-notices/>
- Georgia Public Notices (Ga. Press Assn.)
<https://www.georgiapublicnotice.com/>
- Daily Report (law.com)
<https://www.law.com/dailyreportonline/public-notices/>

ORGANIZATIONS DEFENDING THE PUBLIC'S RIGHT TO KNOW

- Georgia First Amendment Foundation <https://gfaf.org/>
- UGA Law First Amendment Clinic <https://firstamendment.law.uga.edu/>
- Reporters Committee for Freedom of the Press <https://www.rcfp.org/>
- Society of Professional Journalists <https://www.spj.org/index.asp>

USEFUL REFERENCE GUIDES

- Open Government Guide for Journalists <https://www.rcfp.org/open-government-guide/>
- The Red Book (government) <https://gfaf.org/resources/the-red-book/>
- The Blue Book (law enforcement) <https://gfaf.org/resources/the-blue-book/>
- The Green Book (schools) <https://gfaf.org/resources/the-green-book/>
- Georgia Open Records Act <https://law.georgia.gov/document/here-3/download>
- Georgia Open Meetings Act <https://law.georgia.gov/document/here-4/download>
- Open Records Act Exceptions <https://law.georgia.gov/document/here-5/download>

First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, [or of the press](#); or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

**Thank you for taking an interest in
Open Records and Open Meetings!**