



ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE	
November 1, 2015		

I. PURPOSE

The City is required by law to make all records, except confidential records, available to the public (A.R.S. § 39-121 – Inspection of public records) while safeguarding confidential and personal identifying information. The following guidelines are to assist City staff in response to public records requests/inquiries.

II. POLICY

- A.** Public records and other matters in City offices shall be open to public inspection at all times during office hours. The appropriate City staff shall answer all citizen public records requests/inquiries completely and promptly. Exceptions to the above include:
- 1.** Arizona law or court order prohibiting disclosure,
 - 2.** Individual privacy rights that prohibit disclosure, including, but not limited to the portions of a record containing home address and phone, birthdate, tax identification number, employee identification number, social security number, account numbers or other personal identifying information (see Attachment A), and
 - 3.** When the best interest of the City is served by non-disclosure, such as during an investigation when disclosure would harm the investigation.
- B.** Departments shall respond courteously and be as helpful as possible within the constraints of policy and departmental budgets and procedures. If questions or requests are not clear, staff shall obtain more information from the requestor. In many instances, staff will be able to refer the requestor to the City's webpage or a specific department.
- C.** Staff shall ensure that requestors are referred to the appropriate place to receive assistance. City publications shall list appropriate telephone numbers, email addresses, and websites so that citizens who have questions may easily obtain additional information. Any changes to this information should be forwarded to the City Manager's office as soon as possible.
- D.** Information provided in response to a public records request/inquiry will be in the format in which it is kept. As a general rule, the City will not create a record, obtain new data, perform research, or create new report formats in order to respond to records requests.
- E.** Each City department and office is responsible for maintaining information in accordance with state law and City Administrative Directives.



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III. **DEFINITIONS**

- A. **Commercial Purpose** – the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record

- B. **Inquiry** – Any request for public records, information or assistance. Inquiries may be received via:
 - 1. Letter
 - 2. Telephone call,
 - 3. In-person visit to a City facility,
 - 4. Email either through the City’s website, MCWeb address, or city clerk address.

- C. **Maintain** – Collect, file, update, use or disseminate.

- D. **Other Matters** – Written records kept by an office in the course of official business whether or not the records are required by law or are otherwise considered to be public records.

- E. **Personal Identifying Information** – Any written document or electronic data that does or purports to provide personal information (see Attachment A).

- F. **Public Records** – All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the City in pursuance of law or in connection with the transaction of City business and preserved or appropriate for preservation by the City.

- G. **Public Records Request** – A request to examine or be furnished copies, printouts, or photographs of a public record under A.R.S. § 39-121 or § 39-121-02.

IV. **PUBLIC RECORDS REQUESTS (PRRs)/INQUIRIES PROCEDURE**

- A. Requests/Inquiries made directly to a department about that department’s staff or work shall be addressed according to the department’s internal response policies. Every effort should be made to respond in a courteous, thorough and timely manner.



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- B.** Requests/Inquiries directly to a department about another department's staff or work that cannot be answered simply or directly should be forwarded to the City Clerk's Office via email at cityclerk@tucsonaz.gov with all of the pertinent referral information (name, address, phone, email and concise issue description). This request/inquiry will then be handled through the public records request process.
- C.** Requests/Inquiries received by telephone, scheduled or unscheduled walk-ins, or via the City's website shall receive the same level of service and follow-up as all other inquiries. Every effort must be made to provide a high level of customer service and avoid passing the customer to another department. It is always preferable, whenever possible, to call other departments to obtain the correct information and provide that information to the citizen directly and immediately rather than having to tell the citizen that the inquiry will be forwarded on to the correct department for an answer.
- D.** Requests/Inquiries for City records, including subpoenas, submitted to the City Clerk's Office shall be referred to the appropriate department/office and the City Attorney when deemed appropriate. The City Attorney may assist the City Clerk and departments in responding to the request in accordance with state law.
- E.** Civil subpoenas for records will be handled as follows:

 - 1.** Agendas, agenda backup information, minutes, and ordinance/resolutions may be released without legal inquiry.
 - 2.** Subpoenas for other materials should be reviewed by the City Attorney for determination of whether to seek a protective order restricting dissemination to only such materials as are necessary and proper.
 - 3.** Comply with the subpoena as required by law.
- F.** When a request is received, staff trained in working on public records requests and entering the information into the Public Records Request cabinet in SIRE will receive an email from the City Clerk's Office. The email will contain:

 - 1.** Information about who or what departments were assigned the PRR, and
 - 2.** Copy of the acknowledgement letter to the requestor from the City Clerk with a copy of their original request submitted. The letter will also include reference to a PRR number that is used to track the request.

V. RESPONDING TO A PUBLIC RECORDS REQUEST/INQUIRY AND DEPARTMENT RESPONSIBILITIES

- A.** Every effort shall be made to respond to the requestor in a timely manner, within 2 weeks preferably, from the date the request was received. If the request cannot be



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fulfilled within that time frame, staff shall respond to the requestor with the status of the department's progress on the request. Follow up responses may be required until the request has been fulfilled and closed out in SIRE.

- B.** For tracking purposes, you may want to add comments in the remarks field for any contacts made with the requestor in the PRR cabinet in SIRE.
- C.** Once all of the information is gathered to complete the PRR, before releasing any documents to the requestor, review the documents for any personal identifying information that **must** be redacted from all records for public inspection or view (see Attachment A).
- D.** Staff trained in the use of SIRE will complete the process following the procedures for Public Records Requests (Uploading and Searching Requested Documents into SIRE by all City Departments), and Public Records Requests (E-mail Searches in Retain) for email searches.
- E.** If your search for records yields, "**no information found**", that must be communicated to the requestor via email, letter and/or telephone call. Staff will still need to follow the procedures to close out the request in SIRE.

VI. PUBLIC RECORDS REPRODUCTION FEES

- A.** Any City department may charge a fee for the reproduction of records as permitted by A.R.S. § 39-121.01 (D) (1) and § 39-121.03:
 - 1.** Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. The custodian of public records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in:
 - § 39-122 - Free searches for and copies of public records to be used in claims against United States; liability for noncompliance or
 - § 39-127- Free copies of police reports and transcripts for crime victims, shall be furnished without charge.



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- B.** The City Clerk's Office has set a fee schedule that is within reason and may be used City-Wide, as long as the department has means for collecting and depositing funds (see Attachment B).
- C.** Exceptions to the above where individuals will not be charged are:
 - 1. Mayor and Council
 - 2. Boards, Committees and Commissions (official business only)
 - 3. Media (first copy of public record within reason)
 - 4. City Departments (these are handled on a case-by-case basis; check with your department director)

VII. DENIAL OF SERVICE

- A.** Staff will make good faith efforts to work with all constituents, but the City reserves the right to deny service if constituents are physically or verbally intimidating and staff should take appropriate action based on observed behavior. City staff shall immediately call 911 if there is any threat of physical violence.
- B.** All denials of service must be approved by a department director or their designee and must be documented.

VIII. PUBLIC RECORD

Constituents' public records requests, inquiries or comments ordinarily become part of the public record and are subject to release under Arizona public records law.

IX. CONFIDENTIALITY

- A.** Constituents are not required to provide their name or contact information (including address, phone number or email address) in order to make an inquiry or submit a comment unless they want a response. If a constituent requests to keep his/her name and contact information confidential, the City will attempt to do so. However, the constituent shall be informed that, although the City will make every effort to protect confidentiality, Arizona's public records law may require that the information be released. Staff shall not make judgments regarding whether or not the confidentiality request is warranted.
- B.** The protection and confidentiality of information gathered by some departments, such as Police, Fire and Housing and Community Development Services, are governed by state statute and federal law. Information collected as part of the services provided by these departments must be handled in accordance with procedures that comply with these laws.



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Appendices

Attachment A: Personal Identifying Information
Attachment B: City Clerk's Fee Schedule for Reproduction of Records

References

Arizona Revised Statutes, §13-2001, §39-121, §39-121-02, §39-121-03, §41-4171, §41-4172; A.D. 1.05-3 Access, Production and Retention of City Records

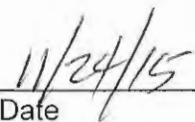
Review Responsibility and Frequency

The City Clerk's Office will review this directive annually, based on the date of publication.

Authorized



City Manager



Date

This AD was reviewed on 2/21/17. There were no changes to the AD, only to Attachment B.

Redaction of Public Records

The following is a list of personal identifying information that must be redacted from all records released for public inspection or view in compliance with Arizona Revised Statutes (A.R.S.) §§ 41-4171 and 41-4172 relating to Government Anti-Identification Procedures; and A.R.S. §13-2001 relating to Restricted Use of Personal Identifying Information.

- A. Name, signature, electronic identifier or screen name (***case by case basis**)
- B. Electronic mail signature, address or account
- C. Biometric identifier
- D. Driver or Professional license number
- E. Access Device (**not applicable**)
- F. Residence or Mailing Address (***case by case basis**)
- G. Telephone Number
- H. Employer, Student or Military Identification Number
- I. Social Security Number
- J. Tax Identification Number
- K. Employment Information (***case by case basis**)
- L. Citizenship Status or Alien Identification Number
- M. Personal Identification Number
- N. Photography (***case by case basis**)
- O. Birth Date
- P. Savings, Checking or Other (Retirement) Financial Account Number
- Q. Credit Card, Charge Card or Debit Card
- R. Mother's Maiden Name
- S. Fingerprint or Retinal Image
- T. Image of an Iris or Deoxyribonucleic acid or genetic information.
- U. Retirement Account Number
- V. Savings, checking or securities entitlement account number
- W. Driver's license number or non-operating identification license number

***On items noted as a case-by-case basis, there may be situations where these might need to remain intact (such as the person's name filing a claim). Witnesses and/or minors listed on claims should be redacted. If unsure, please check with your supervisor for further clarification.**



City Clerk's Office
Public Records
Reproduction

Fees *(1/10/17)

(NOTE: Fees must be paid in advance before release of records)

PAPER

Photocopies	\$0.25 per printed image (double sided is \$0.50)
Oversized Copies (greater than 11 x 17)	Fees range from \$1.00 to \$4.50 (based on size)
Ward Maps	\$12.00 (Actual cost recovered)
Faxed Copies	\$0.25 per printed page – fees must be paid in advance before copies are faxed.

ELECTRONIC

Audio CD(s) / Cassettes	\$5.00 each
Data CD (copy of existing data CD)	\$5.00
Data CD (if CD is created from paper documents and put onto a CD)	\$0.25 per image (\$5.00 minimum charge)
DVD – Mayor & Council Meeting	\$5.00 per DVD Video is also available online at: http://www.tucson12.tv
*Electronic Copy – E-Mailed *(If already in electronic form)	Free of charge
*Electronic Copy – E-Mailed *(If electronic copy is created from paper documents)	\$0.25 per image

PUBLICATIONS

Tucson City Code	Available free of charge online at: http://www.amlegal.com/library/az/tucson.shtml
Tucson City Charter	

MISCELLANEOUS

Commercial Request	The value of the reproduction on the commercial market as best determined by the public body.
Postage	Actual cost of Postage – postage will be added to all requests being mailed and must be paid prior to mailing.
Media Request	The first copy of each public record requested will be provided free of charge
Public Records	Available for review in the City Clerk's office free of charge.
Agendas and Notices	Available free of charge online: http://cms3.tucsonaz.gov/agdocs/ http://cms3.tucsonaz.gov/clerks/boards-committees-commissions
Notary Services	Available in the City Clerk's office free of charge.

***Updates noted in BOLD – 1/10/17 alm**